

# Exhibit Q - Deposition of LVMPD Defendants' police practices expert Sonny Lynch

C E R T I F I C A T E

I, Jane A. Blackerby, a Certified Court Reporter of the State of Missouri, do hereby certify:

That prior to being examined the witness was by me duly sworn;

That said deposition was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to writing under my direction;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested in the action.

WITNESS my hand and seal this 1st day of November, 2018.

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JANE A. BLACKERBY, CCR No. 877

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF KANSAS  
3           ESTATE OF TASHII S.                   )  
4           FARMER d/b/a TASHII                   )  
5           FARMER a/k/a TASHII                   )  
6           BROWN, by and through                   )  
7           its Special                   )  
8           Administrator, Lorin                   )  
9           Michelle Taylor; TAMARA                   )  
10          BAYLEE KUUMEALI'MAKAMAE                   )  
11          FARMER DUARTE, a minor,                   )  
12          individually and as                   )  
13          Successor-in-                   )  
14          Interest, by and through                   )  
15          her legal guardian,                   )  
16          Stevandra Lk Kuanoni;                   )  
17          ELIAS BAY KAIMIPONO                   )  
18          DUARTE, a minor,                   )  
19          individually and as                   )  
20          Successor-n-                   )  
21          Interest, by and through                   )  
22          his legal guardian,                   )  
23          Stevandra Lk Kuanoni,                   )  
24                  Plaintiffs,                   )  
25          v.                   )   Case No.  
                LAS VEGAS METROPOLITAN                   )   2:17-cv-01946  
                POLICE DEPARTMENT, a                   )  
                political subdivision of                   )  
                the State of Nevada;                   )  
                OFFICE KENNETH LOPERA,                   )  
                individually and in his                   )  
                Official Capacity;                   )  
                SERGEANT TRAVIS                   )  
                CRUMRINE, individually                   )   Date: October 18, 2018  
                and in his Official                   )  
                Capacity; OFFICER                   )  
                MICHAEL TRAN,                   )  
                individually and in his                   )  
                Official Capacity;                   )  
                OFFICER MICHAEL FLORES,                   )  
                individually and in his                   )  
                Official Capacity; and                   )  
                Does 1 through 50,                   )  
                inclusive,                   )  
                Defendants.                   )

24                   VIDEOTAPE TELEPHONIC DEPOSITION OF  
25                   CAPTAIN LAWRENCE G. LYNCH, III  
                Pages 1 - 83

1		1	I N D E X	
2		2	WITNESS: PAGE:	
3		3	CAPTAIN LAWRENCE G. LYNCH, III	
4		4	Examination by Mr. Sayre	6
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11	VIDEOTAPE TELEPHONIC DEPOSITION OF	11	E X H I B I T S	
12	CAPTAIN LAWRENCE G. LYNCH, III, a Witness, taken	12	NO.: DESCRIPTION: MARKED:	
13	on behalf of the Plaintiffs, before Jane A.	13	Exhibit 1 Disk of video recording	37
14	Blackerby, MO CCR #877, KS CCR #1369, pursuant to	14		
15	Notice on October 18, 2018, at The Hampton Inn,	15		
16	900 Kansas, Clinton, Missouri.	16		
17		17		
18		18		
19		19		
20		20		
21		21		
22		22		
23		23		
24		24		
25		25		
	Page 2		Page 4	
1	A P P E A R A N C E S	1	(Deposition commenced at 2:13 p.m.)	
2	FOR THE PLAINTIFFS:	2	THE VIDEOGRAPHER: Good afternoon.	
3	Mr. Federico C. Sayre	3	We're going on the record at 2:13 p.m. on 00:00:01	
4	ABIR COHEN TREYZON SALO, LLP	4	Thursday, October 18th, 2018. Please note that 00:00:04	
5	1901 Avenue of the Stars	5	the microphones are sensitive and may pick up 00:00:08	
6	Suite 935	6	whispering, private conversations and cellular 00:00:11	
7	Los Angeles, California 90067	7	interference. Please turn off all cell phones or 00:00:15	
8	310.407.7888	8	place them away from the microphones as they can 00:00:17	
9	fsayre@actslaw.com	9	interfere with the deposition audio. Audio and 00:00:19	
10	FOR THE DEFENDANT LAS VEGAS METROPOLITAN POLICE	10	video recording will continue to take place 00:00:22	
11	DEPARTMENT, SERGEANT TRAVIS CRUMRINE, OFFICER	11	unless all parties agree to go off the record. 00:00:24	
12	MICHAEL TRAN AND OFFICER MICHAEL FLORES:	12	This is media unit 1 of the video 00:00:27	
13	Mr. Craig R. Anderson	13	recorded deposition of Captain Lawrence G. Lynch, 00:00:29	
14	MARQUIS AURBACH COFFING	14	III taken by counsel for the Plaintiff in the 00:00:33	
15	10001 Park Run Drive	15	matter of the Estate of Tashii S. Farmer, et al. 00:00:34	
16	Las Vegas, Nevada 89145	16	versus Las Vegas Metropolitan Police Department, 00:00:38	
17	702.382.0711	17	et al., filed in the United States District 00:00:42	
18	canderson@maclaw.com	18	Court, District of Nevada. This deposition is 00:00:43	
19	FOR THE DEFENDANT OFFICER KENNETH LOPERA:	19	being held at the Hampton Inn located at 900 00:00:46	
20	Mr. Daniel R. McNutt	20	Kansas Avenue in Clinton, Missouri. 00:00:50	
21	MCNUTT LAW FIRM	21	My name is Kimberly Lauer from the firm 00:00:53	
22	625 South Eight Street	22	Veritext Legal Solutions, and I'm the 00:00:56	
23	Las Vegas, Nevada 89101	23	videographer. Our court reporter is Jane 00:00:57	
24	702.384.1170	24	Blackerby, also from Veritext. I am not 00:01:00	
25	drm@mcnuttlawfirm.com	25	authorized to administer an oath. I am not 00:01:03	
	Page 3		Page 5	

<p>1 related to any party in this action, nor am I 00:01:05</p> <p>2 financially interested in the outcome. Counsel 00:01:08</p> <p>3 and all attending remotely will now please state 00:01:11</p> <p>4 their appearances and affiliations for the 00:01:15</p> <p>5 record, and if there are any objections to 00:01:18</p> <p>6 proceeding, please state them at the time of your 00:01:20</p> <p>7 appearance, beginning please with the noticing 00:01:22</p> <p>8 attorney. 00:01:24</p> <p>9 MR. SAYRE: Representing the 00:01:29</p> <p>10 children of Tashii Farmer, the Plaintiffs, Fred 00:01:30</p> <p>11 Sayre. 00:01:35</p> <p>12 MR. ANDERSON: Craig Anderson on 00:01:36</p> <p>13 behalf of the Las Vegas Metropolitan Police 00:01:37</p> <p>14 Department and Officer Crumrine, Tran and Flores. 00:01:37</p> <p>15 MR. MCNUTT: Daniel McNutt on 00:01:37</p> <p>16 behalf of Officer Kenneth Lopera. 00:01:47</p> <p>17 THE VIDEOGRAPHER: If our court 00:01:47</p> <p>18 reporter would then please swear in the witness. 00:01:51</p> <p>19 CAPTAIN LAWRENCE G. LAWRENCE, III, 00:01:51</p> <p>20 a Witness, being first duly sworn, testified 00:01:51</p> <p>21 under oath as follows: 00:01:51</p> <p>22 EXAMINATION 00:01:51</p> <p>23 BY MR. SAYRE: 00:02:01</p> <p>24 Q. Captain Lynch, my name is Fred Sayre, 00:02:01</p> <p>25 and I filed a lawsuit against the Metropolitan 00:02:12</p> <p style="text-align: right;">Page 6</p>	<p>1 Q. Okay. I take it that you are employed 00:03:31</p> <p>2 by the Clinton Police Department? 00:03:40</p> <p>3 A. Yes. 00:03:42</p> <p>4 Q. How long have you been employed by them? 00:03:43</p> <p>5 A. Almost 29 years. 00:03:47</p> <p>6 Q. Have you worked for any other law 00:03:48</p> <p>7 enforcement agencies? 00:03:54</p> <p>8 A. I was in the military police corps for 00:03:56</p> <p>9 three years, and I was a detention facility 00:03:59</p> <p>10 officer for the Kansas City, Missouri Police 00:04:03</p> <p>11 Department for two years. 00:04:06</p> <p>12 Q. Now, you have provided a statement 00:04:07</p> <p>13 pursuant to Rule 26 concerning your opinions in 00:04:19</p> <p>14 this case. Do you have a copy of that statement? 00:04:25</p> <p>15 A. I do. I have my report here. 00:04:27</p> <p>16 Q. All right. And you have, as I 00:04:29</p> <p>17 understand it, eight opinions. Is that correct? 00:04:35</p> <p>18 A. Yes. 00:04:39</p> <p>19 Q. All right. Are there any other opinions 00:04:41</p> <p>20 that you have developed to provide in this case 00:04:46</p> <p>21 other than 1 through 8 which are listed in this 00:04:50</p> <p>22 report? 00:04:53</p> <p>23 A. No. 00:04:54</p> <p>24 Q. How many depositions have you given as 00:05:01</p> <p>25 an expert witness? 00:05:04</p> <p style="text-align: right;">Page 8</p>
<p>1 Police Department and several individual 00:02:17</p> <p>2 officers, and I understand that you have been 00:02:19</p> <p>3 designated as an expert witness by the 00:02:22</p> <p>4 Metropolitan Police Department and by Officer 00:02:25</p> <p>5 Lopera. Is that correct? 00:02:30</p> <p>6 A. Yes. 00:02:30</p> <p>7 Q. Could you tell me, please, your present 00:02:31</p> <p>8 profession or occupation. 00:02:37</p> <p>9 A. I'm the Deputy Chief of Police in 00:02:37</p> <p>10 Clinton, Missouri. I'm also a trainer. Sorry. 00:02:41</p> <p>11 Q. Sorry. 00:02:52</p> <p>12 A. I'm also a trainer. I teach. I travel 00:02:53</p> <p>13 around and do seminars, and I teach at the 00:02:56</p> <p>14 University of Central Missouri at the police 00:02:58</p> <p>15 academy. But my main job is I'm the Deputy Chief 00:03:00</p> <p>16 here in Clinton. 00:03:07</p> <p>17 Q. Now, you've been listed as Captain 00:03:08</p> <p>18 Lynch. Should I be referring to you as chief 00:03:13</p> <p>19 Lynch? 00:03:17</p> <p>20 A. No, captain is fine. That's -- that's 00:03:17</p> <p>21 kind of a weird rank system here, but yeah, 00:03:20</p> <p>22 that's my rank. 00:03:24</p> <p>23 Q. Your rank is captain, but you're the 00:03:25</p> <p>24 Deputy Chief of Police? 00:03:28</p> <p>25 A. Yeah. That's my job, my duties. 00:03:29</p> <p style="text-align: right;">Page 7</p>	<p>1 A. This is the first one. 00:05:05</p> <p>2 Q. How many times have you testified in 00:05:07</p> <p>3 court as an expert witness? 00:05:16</p> <p>4 A. I have not. 00:05:19</p> <p>5 Q. How did you come up with \$2,000 a day 00:05:20</p> <p>6 for giving a deposition? 00:05:28</p> <p>7 A. I just -- I have a friend who does it, 00:05:31</p> <p>8 and he provided me his course fee or his fee 00:05:34</p> <p>9 schedule. 00:05:38</p> <p>10 Q. And what type of expert is that friend? 00:05:38</p> <p>11 A. He's an -- he does use of force cases 00:05:45</p> <p>12 and, you know, policy cases and stuff like that. 00:05:51</p> <p>13 He's a major on the Kansas City, Missouri Police 00:05:56</p> <p>14 Department. 00:06:00</p> <p>15 Q. So is it fair to say that you've never 00:06:00</p> <p>16 charged anybody ever \$2,000 a day to give your 00:06:08</p> <p>17 deposition? 00:06:13</p> <p>18 A. No. I have not. 00:06:13</p> <p>19 MR. SAYRE: Mr. Anderson, I -- you 00:06:27</p> <p>20 and I need to discuss this. I'm prepared to pay 00:06:29</p> <p>21 a reasonable rate. I do not consider \$2,000 a 00:06:32</p> <p>22 day to be a reasonable rate. It carries with it 00:06:35</p> <p>23 a time that I'm not certainly going to use or 00:06:39</p> <p>24 that Mr. McNutt is going to use to question 00:06:42</p> <p>25 Captain Lynch, but we'll go forward simply 00:06:44</p> <p style="text-align: right;">Page 9</p>

<p>1 indicating that I dispute the fee. I think it's 00:06:48</p> <p>2 an unreasonable fee. Do you understand my 00:06:50</p> <p>3 position? 00:06:53</p> <p>4 MR. ANDERSON: We'll see how long 00:06:53</p> <p>5 it goes. We'll talk. 00:06:54</p> <p>6 Q. (By Mr. Sayre) Okay. Now, Captain, 00:06:56</p> <p>7 when were you first contacted with regard to this 00:07:01</p> <p>8 case? 00:07:03</p> <p>9 A. I believe it was in April possibly. 00:07:03</p> <p>10 Q. April of what year? 00:07:10</p> <p>11 A. Well, let's see. Let's go back. I did 00:07:13</p> <p>12 -- it wasn't April. It would have been in 00:07:18</p> <p>13 December of last year. I believe that was when I 00:07:20</p> <p>14 first was contacted. 00:07:23</p> <p>15 Q. December of 2000 -- I'm sorry. 00:07:24</p> <p>16 A. Yeah, 20 -- it was 2017. 00:07:27</p> <p>17 Q. Okay. 00:07:29</p> <p>18 A. I didn't mean to interrupt. 00:07:29</p> <p>19 Q. Okay. All right. Let me -- let me just 00:07:30</p> <p>20 kind of give you some ground rules for the 00:07:33</p> <p>21 deposition that may be helpful to you. You're 00:07:38</p> <p>22 sworn to tell the truth, and although we're in 00:07:41</p> <p>23 different cities and in sort of informal 00:07:45</p> <p>24 circumstances, you understand that oath is 00:07:48</p> <p>25 binding on you as if you were in a court of law? 00:07:52</p> <p style="text-align: right;">Page 10</p>	<p>1 I would have to follow up with questions like do 00:09:07</p> <p>2 you mean yes or do you mean no. So in order to 00:09:10</p> <p>3 avoid that, please continue to answer out loud. 00:09:13</p> <p>4 Will you do that, please? 00:09:15</p> <p>5 A. Yes. 00:09:16</p> <p>6 Q. If you don't understand a question, 00:09:17</p> <p>7 don't answer it. Tell me you don't understand 00:09:20</p> <p>8 it, ask me to repeat it or rephrase it or in some 00:09:23</p> <p>9 way indicate it was not understood, and I'll do 00:09:28</p> <p>10 my best to frame it in a way that's 00:09:30</p> <p>11 understandable. If you answer a question, I'm 00:09:32</p> <p>12 going to assume that you've understood it. Is 00:09:36</p> <p>13 that fair enough? 00:09:39</p> <p>14 A. Yes. 00:09:39</p> <p>15 Q. Please wait until I finish my question 00:09:40</p> <p>16 before you start your answer, and I'll wait and 00:09:45</p> <p>17 give you the same courtesy. I'll wait until you 00:09:49</p> <p>18 finish your answer before I start my next 00:09:52</p> <p>19 question. Besides simply being courteous, it's 00:09:55</p> <p>20 difficult for the court reporter to take down two 00:09:59</p> <p>21 people who are speaking at the same time. Do you 00:10:02</p> <p>22 understand that? 00:10:04</p> <p>23 A. Yes. 00:10:05</p> <p>24 Q. Okay. I don't expect this to be a 00:10:05</p> <p>25 lengthy deposition, at least my portion of it, 00:10:14</p> <p style="text-align: right;">Page 12</p>
<p>1 A. Yes. 00:07:56</p> <p>2 Q. Everything that is said by everybody at 00:07:57</p> <p>3 anytime today will be taken down by the court 00:07:59</p> <p>4 reporter. The court reporter will then have it 00:08:01</p> <p>5 typed up into a booklet form in a couple of 00:08:05</p> <p>6 weeks, and you'll be given an opportunity to read 00:08:08</p> <p>7 and review that booklet form. And at the time 00:08:11</p> <p>8 that you read and review it, you could actually 00:08:16</p> <p>9 change anything that you said during the course 00:08:19</p> <p>10 of the deposition. Do you understand that? 00:08:22</p> <p>11 A. Yes. 00:08:23</p> <p>12 Q. However, if you change something that's 00:08:24</p> <p>13 of material importance, either myself or some 00:08:29</p> <p>14 other attorney can comment upon that fact, and it 00:08:33</p> <p>15 could prove embarrassing to you if not damaging 00:08:36</p> <p>16 to your client's case. Do you understand that? 00:08:39</p> <p>17 A. I do. 00:08:41</p> <p>18 Q. So we ask you to give your best response 00:08:41</p> <p>19 here today. Will you do that, please? 00:08:46</p> <p>20 A. Yes, I will. 00:08:48</p> <p>21 Q. Now, just as you've been doing nicely up 00:08:48</p> <p>22 until now, please continue to answer out loud. 00:08:53</p> <p>23 Such common expressions as uh-huh, huh-uh or nods 00:08:56</p> <p>24 of the head or shakes of the head are too 00:09:01</p> <p>25 difficult for the court reporter to interpret, so 00:09:03</p> <p style="text-align: right;">Page 11</p>	<p>1 but if at anytime that you should wish to take a 00:10:18</p> <p>2 break, use the facilities, what have you, just 00:10:22</p> <p>3 let me know and your request will be honored. Do 00:10:25</p> <p>4 you understand? 00:10:29</p> <p>5 A. I do. 00:10:29</p> <p>6 Q. I would only ask that if there is a 00:10:30</p> <p>7 question pending, that you answer the question 00:10:33</p> <p>8 before we take the break. Will you do that, 00:10:36</p> <p>9 please? 00:10:38</p> <p>10 A. Yes. 00:10:39</p> <p>11 Q. Have you taken any kind of alcohol, any 00:10:39</p> <p>12 kind of medication, any kind of intoxicant in the 00:10:47</p> <p>13 last 24 hours that would affect your ability to 00:10:51</p> <p>14 give your best response here today? 00:10:54</p> <p>15 A. No. 00:10:57</p> <p>16 Q. During the course of the deposition I 00:11:01</p> <p>17 may ask you questions that have to do with time, 00:11:03</p> <p>18 dates or perhaps instances and you may or may not 00:11:09</p> <p>19 have an exact answer to my question. But even if 00:11:15</p> <p>20 you don't have an exact answer, you may have a 00:11:19</p> <p>21 reasonable estimate. Please understand that if 00:11:21</p> <p>22 you don't have an exact answer to my question, I 00:11:25</p> <p>23 am still entitled to your best estimate. Will 00:11:29</p> <p>24 you give your best estimate if you don't have an 00:11:32</p> <p>25 exact answer to the question? 00:11:36</p> <p style="text-align: right;">Page 13</p>

1 A. Yes. 00:11:37	1 Q. So is it fair to say that if something 00:14:13
2 Q. However, if it is a guess, I'm not 00:11:38	2 is excessive force, it is a Fourth Amendment 00:14:19
3 entitled to have you guess. The difference 00:11:44	3 violation? 00:14:25
4 between a guess and an estimate are not always 00:11:47	4 A. Well, I think there might be more things 00:14:26
5 clear, but one well used example is if I ask you 00:11:50	5 to consider than just that, but yeah, I would 00:14:28
6 to estimate the length of the table that you're 00:11:55	6 agree with that in general. 00:14:33
7 sitting at where you are located in the Hampton 00:11:59	7 Q. Okay. Now, let me ask you to turn to 00:14:34
8 Inn in Clinton, Missouri, you can see the table. 00:12:03	8 your opinion No. 8. 00:14:42
9 You have a life experience with feet and inches 00:12:06	9 A. Okay. 00:14:51
10 or meters and centimeters. You could probably 00:12:09	10 Q. All right. Your opinion is that the 00:14:52
11 give a reasonable estimate of the length of the 00:12:11	11 neck restraint that was used by Officer Kenneth 00:14:59
12 table, but if I ask you to give an estimate of my 00:12:13	12 Lopera was not a lateral vascular neck restraint. 00:15:03
13 dining room table in Irvine, California, it would 00:12:18	13 Is that correct? 00:15:09
14 have to be a pure guess because you've never been 00:12:23	14 A. Yes, that's correct. 00:15:10
15 in my home. Do you understand? 00:12:25	15 Q. All right. You believe that it was a 00:15:11
16 A. Yes. 00:12:26	16 rear naked choke. Is that correct? 00:15:17
17 Q. So estimates good, guesses bad. You 00:12:27	17 A. Yes. 00:15:20
18 understand that? 00:12:32	18 Q. Right. Well, let's discuss a moment 00:15:20
19 A. I do. 00:12:33	19 your background with regard to a rear naked 00:15:26
20 Q. Okay. Do you have any questions before 00:12:34	20 choke. Tell me, please, what training or 00:15:30
21 we start the questioning in your deposition? 00:12:39	21 education you have received concerning a rear 00:15:36
22 A. I do not. 00:12:42	22 naked choke. 00:15:41
23 Q. Okay. You said no, but I didn't quite 00:12:43	23 A. Well, I started my -- my education in 00:15:41
24 hear it. 00:12:48	24 ground defense control tactics in the early 00:15:46
25 A. I do not have any questions. 00:12:48	25 Nineties with a trainer out of Rhode Island. His 00:15:49
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1 Q. Okay. Thank you. All right. Captain 00:12:49	1 name is Brad Inman. He's a national trainer for 00:15:52
2 Lynch, in looking at your opinion No. 1, if I 00:13:04	2 the National Law Enforcement Training Center that 00:15:55
3 could draw your attention to that, please. 00:13:09	3 I'm currently president of. His ground defense 00:15:58
4 A. Okay. 00:13:10	4 control tactics system is one of our -- our 00:16:01
5 Q. You utilize a Graham versus Connor 00:13:11	5 systems that we certify people as trainers in. 00:16:04
6 analysis in discussing the constitutionality of 00:13:17	6 As part -- part of my education around 00:16:07
7 the use of force. Is that correct? 00:13:22	7 Brad Inman and the development of that program, 00:16:11
8 A. The use of force policy is what I was 00:13:24	8 he showed me on numerous occasions several 00:16:17
9 talking about. 00:13:29	9 different types of neck restraints, and we were 00:16:19
10 Q. Right. Use of force policy? 00:13:30	10 -- we went over several different types of neck 00:16:23
11 A. Yeah. 00:13:31	11 restraints that he used in his programs out in 00:16:26
12 Q. And Graham versus Connor, are you 00:13:33	12 Rhode Island, and compared them to the lateral 00:16:28
13 familiar with that case? 00:13:36	13 vascular neck restraint system which was part of 00:16:33
14 A. I am. 00:13:37	14 the National Law Enforcement Training Center. 00:16:35
15 Q. All right. It contains a number of 00:13:37	15 Eventually, you know, his -- his program morphed 00:16:38
16 factors in determining whether or not the force 00:13:41	16 into one of our instructor trainer programs that 00:16:41
17 used in a certain situation was objectively 00:13:46	17 does include the LVNR. 00:16:44
18 reasonable. Correct? 00:13:51	18 However, during those days and since 00:16:46
19 A. Correct. 00:13:52	19 I've been exposed to a rear naked choke in 00:16:49
20 Q. All right. Now, another way of saying 00:13:52	20 different grappling sessions informal with -- 00:16:54
21 it is if the force used is not objectively 00:14:01	21 with other trainers and officers. So I'm 00:16:59
22 reasonable, it is a violation of the Fourth 00:14:06	22 familiar with the rear naked choke, and in 00:17:02
23 Amendment to the Constitution of the United 00:14:10	23 addition to that, I've -- I've been around it in 00:17:05
24 States. Correct? 00:14:12	24 social media, as far as programming goes with 00:17:09
25 A. Yes. 00:14:13	25 MMA. It's a very highly recognizable and common 00:17:14
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<p>1 technique in that -- in that genre, and I'm 00:17:21</p> <p>2 familiar with it from that. 00:17:25</p> <p>3 Q. Recently there was a well publicized 00:17:36</p> <p>4 match with a fellow name Connor in MMA. Are you 00:17:39</p> <p>5 aware of that? 00:17:43</p> <p>6 A. I know that it occurred. I didn't see 00:17:44</p> <p>7 it, though. I heard he lost. 00:17:45</p> <p>8 Q. Okay. He lost because there was 00:17:47</p> <p>9 application of a rear naked choke which caused 00:17:51</p> <p>10 him to tap out. Are you aware of that? 00:17:53</p> <p>11 A. I was not. I'm not shocked by it, 00:17:55</p> <p>12 though. 00:17:58</p> <p>13 Q. Okay. Now, could you tell me, please, 00:17:58</p> <p>14 when you were first trained to apply a rear naked 00:18:05</p> <p>15 choke? 00:18:10</p> <p>16 A. That would probably have been around 00:18:10</p> <p>17 1993. 00:18:12</p> <p>18 Q. And that's by this gentleman, Mr. Inman? 00:18:14</p> <p>19 A. Uh-huh. 00:18:19</p> <p>20 Q. Is that a yes? 00:18:20</p> <p>21 A. Yes. Sorry. Yes. 00:18:22</p> <p>22 Q. Uh-huh. And I'm sorry, what was 00:18:23</p> <p>23 Mr. Inman's background in the application of rear 00:18:27</p> <p>24 naked chokes? 00:18:31</p> <p>25 A. Mr. Inman is a Jujitsu, it's called soke 00:18:32</p> <p style="text-align: right;">Page 18</p>	<p>1 was that most confrontations end up on the ground 00:19:56</p> <p>2 and go to the ground. So with that being a 00:20:00</p> <p>3 reality for law enforcement, different training 00:20:04</p> <p>4 organizations began to develop ground defense 00:20:08</p> <p>5 control tactics programs so that they could 00:20:10</p> <p>6 better control subjects on the ground. 00:20:13</p> <p>7 Q. Okay. And to your knowledge, was the 00:20:15</p> <p>8 rear naked choke ever a permissible hold as a 00:20:22</p> <p>9 part of ground defense control tactics? 00:20:27</p> <p>10 A. No. The application of it has not been 00:20:30</p> <p>11 a part of ours. The escape from it has been a 00:20:34</p> <p>12 part of ours, and I -- 00:20:36</p> <p>13 Q. When you say ours, what are you 00:20:40</p> <p>14 referring to? 00:20:42</p> <p>15 A. Well, for the National Law Enforcement 00:20:42</p> <p>16 Training Center for our -- for our program. I 00:20:44</p> <p>17 can only speak to that. We do not -- we do not 00:20:47</p> <p>18 instruct people to apply it. We do show a 00:20:51</p> <p>19 counter to that and an escape from that, because 00:20:55</p> <p>20 it is a common tactic. 00:20:58</p> <p>21 Q. When you say a common tactic, what are 00:20:59</p> <p>22 you referring to? 00:21:06</p> <p>23 A. I'm just saying with the emergence into 00:21:06</p> <p>24 the mixed martial arts world that we see in our 00:21:08</p> <p>25 society today and, you know, even you talking 00:21:11</p> <p style="text-align: right;">Page 20</p>
<p>1 ni. It's called the next to carry on the system, 00:18:40</p> <p>2 and he has a couple different Dojos out in the 00:18:43</p> <p>3 Warwick, Rhode Island area, and so he's primarily 00:18:48</p> <p>4 a martial artist. He was a Kent County deputy 00:18:50</p> <p>5 for several years, and -- and still is a law 00:18:54</p> <p>6 enforcement officer out in Rhode Island. 00:18:57</p> <p>7 Q. So you were in Rhode Island when he 00:19:00</p> <p>8 showed you how to apply a rear naked choke? 00:19:05</p> <p>9 A. No, I was in Kansas City. 00:19:07</p> <p>10 Q. Missouri? 00:19:09</p> <p>11 A. Uh-huh, yes. 00:19:11</p> <p>12 Q. And his connection with Kansas City was 00:19:12</p> <p>13 the national center? 00:19:14</p> <p>14 A. National Law Enforcement Training 00:19:15</p> <p>15 Center. He came out and was a student there, and 00:19:16</p> <p>16 then in the early Nineties, ground -- ground 00:19:19</p> <p>17 defense control tactics began to make its way 00:19:22</p> <p>18 into law enforcement. 00:19:26</p> <p>19 Q. What do you mean by ground control 00:19:28</p> <p>20 defense control tactics? 00:19:37</p> <p>21 A. Primarily prior to 1990 most law 00:19:39</p> <p>22 enforcement agency and training centers trained 00:19:42</p> <p>23 in control techniques that all relied on officers 00:19:46</p> <p>24 standing up on their own two feet, you know, 00:19:49</p> <p>25 and -- in that fashion, but the reality of it was 00:19:52</p> <p style="text-align: right;">Page 19</p>	<p>1 about a Connor MacGregor fight, you know, it's 00:21:13</p> <p>2 pretty much an abundant program out there. We 00:21:17</p> <p>3 see people who go to gyms and just anybody, a 00:21:20</p> <p>4 common person out here on the -- in our community 00:21:25</p> <p>5 that might go and train on it. So it's not 00:21:28</p> <p>6 uncommon to see those type of techniques employed 00:21:31</p> <p>7 against law enforcement officers, so we try to 00:21:34</p> <p>8 make sure that officers know how to escape from 00:21:37</p> <p>9 that. 00:21:39</p> <p>10 Q. Have you actually applied the rear naked 00:21:42</p> <p>11 choke? 00:21:44</p> <p>12 A. I have in training. I have never 00:21:45</p> <p>13 applied it to anyone in a professional setting, 00:21:48</p> <p>14 in a law enforcement setting. 00:21:52</p> <p>15 Q. Can you estimate how many times you've 00:21:53</p> <p>16 applied the rear naked choke in training? 00:21:58</p> <p>17 A. You know, just to demonstrate it, 00:22:01</p> <p>18 probably over a hundred times. I'd say that's 00:22:05</p> <p>19 not out of line. Of course, to teach someone how 00:22:08</p> <p>20 to escape from it I have to demonstrate it, so. 00:22:14</p> <p>21 Q. Sorry. I apologize. Go ahead. I 00:22:17</p> <p>22 didn't mean to cut you off. 00:22:21</p> <p>23 A. I just said that, you know, to teach 00:22:21</p> <p>24 someone how escape it from you have to 00:22:23</p> <p>25 demonstrate it, so I've demonstrated it on 00:22:25</p> <p style="text-align: right;">Page 21</p>



<p>1 numerous occasions. 00:22:29</p> <p>2 Q. And can you tell us, please, the steps 00:22:29</p> <p>3 that go into applying a rear naked choke? 00:22:36</p> <p>4 A. Well, the first thing that you need to 00:22:39</p> <p>5 accomplish is you need to be chest to back with 00:22:43</p> <p>6 your opponent. You need to be behind them to get 00:22:46</p> <p>7 that -- to get that accomplished. Then the 00:22:49</p> <p>8 encirclement of the neck. It could be your left 00:22:54</p> <p>9 arm or your right arm. As you encircle the 00:22:57</p> <p>10 subject's neck you attempt to line up your elbow 00:23:00</p> <p>11 with their chin, so that pressure's not being 00:23:02</p> <p>12 applied to their airway. 00:23:08</p> <p>13 And as the encircling arm comes around, 00:23:10</p> <p>14 it makes contact usually with the biceps of the 00:23:15</p> <p>15 non-encircling arm. The hand of the 00:23:19</p> <p>16 non-encircling arm goes to the back of the 00:23:23</p> <p>17 subject's head. Some people do palm to head, 00:23:25</p> <p>18 some people do back of the -- back of the hand to 00:23:28</p> <p>19 head. Once that's accomplished, you know, you're 00:23:30</p> <p>20 going to compress and pull your elbows in to 00:23:34</p> <p>21 apply bilateral compression to the sides of your 00:23:38</p> <p>22 opponent's neck. 00:23:42</p> <p>23 Q. The rear naked choke is similar to the 00:23:42</p> <p>24 lateral vascular neck restraint in that both are 00:23:56</p> <p>25 blunt chokes. Correct? 00:24:01</p> <p style="text-align: right;">Page 22</p>	<p>1 unconscious by the use of the lateral vascular 00:25:28</p> <p>2 neck restraint? 00:25:31</p> <p>3 A. Well, you know, all of our studies that 00:25:32</p> <p>4 we've done at the National Law Enforcement 00:25:35</p> <p>5 Training Center tell us about four to seven 00:25:37</p> <p>6 seconds. That's an average. But you know, 00:25:40</p> <p>7 things can vary depending upon, you know, a lot 00:25:43</p> <p>8 of different variables when you're grappling with 00:25:46</p> <p>9 somebody. But about four to seven seconds. 00:25:49</p> <p>10 Q. Do you know how long -- I'm sorry, 00:25:53</p> <p>11 pardon me. 00:25:54</p> <p>12 A. About four to seven seconds is -- is how 00:25:55</p> <p>13 long it takes. 00:25:57</p> <p>14 Q. All right. How long does it take to 00:25:57</p> <p>15 render somebody unconscious by the use of the 00:26:00</p> <p>16 rear naked choke? 00:26:02</p> <p>17 A. I don't know. 00:26:04</p> <p>18 Q. Is it longer or shorter than the lateral 00:26:04</p> <p>19 vascular neck restraint? 00:26:11</p> <p>20 A. I just really couldn't give you an 00:26:13</p> <p>21 accurate -- an accurate answer on that. I don't 00:26:15</p> <p>22 have any empirical data on a rear naked choke, 00:26:18</p> <p>23 and I do -- I do have empirical data on the LVNR, 00:26:21</p> <p>24 but not on a rear naked choke. I think -- 00:26:25</p> <p>25 Q. All right. 00:26:28</p> <p style="text-align: right;">Page 24</p>
<p>1 A. Yeah, that term would be agreeable. 00:24:03</p> <p>2 It -- both of them affect the circulatory system 00:24:08</p> <p>3 and you -- and apply bilateral compression to the 00:24:12</p> <p>4 sides of the neck and reduce blood flow through 00:24:17</p> <p>5 the veins and arteries. 00:24:20</p> <p>6 Q. The idea is to put pressure on the 00:24:22</p> <p>7 carotid, the jugular and the vagus nerves? 00:24:28</p> <p>8 A. Yes. You know, some of those are 00:24:32</p> <p>9 affected. It just depends on how much 00:24:34</p> <p>10 compression you're applying, but certainly the -- 00:24:36</p> <p>11 the arteries and the veins are affected. 00:24:40</p> <p>12 Q. Okay. Have you ever rendered somebody 00:24:42</p> <p>13 unconscious by the use of the rear naked choke? 00:24:48</p> <p>14 A. No. 00:24:51</p> <p>15 Q. Have you ever rendered somebody 00:24:54</p> <p>16 unconscious by the use of the lateral vascular 00:24:56</p> <p>17 neck restraint? 00:24:58</p> <p>18 A. Yes. 00:24:59</p> <p>19 Q. On how many occasions? 00:24:59</p> <p>20 A. I've got a 32 year career. I -- you 00:25:03</p> <p>21 know, in training it's been an accidental thing 00:25:10</p> <p>22 on two occasions, so I do remember those. As far 00:25:12</p> <p>23 as my law enforcement career, probably around a 00:25:16</p> <p>24 dozen, a dozen times. 00:25:19</p> <p>25 Q. How long does it take to render somebody 00:25:21</p> <p style="text-align: right;">Page 23</p>	<p>1 A. I know there's some -- there's some 00:26:28</p> <p>2 Japanese research that was done. I did see one 00:26:30</p> <p>3 study, and it was essentially a rear naked choke 00:26:33</p> <p>4 that was being applied, and I believe that their 00:26:37</p> <p>5 results were a little bit longer. It was in the 00:26:42</p> <p>6 5 to 20 second range, but I could be -- I could 00:26:44</p> <p>7 be wrong about that, but I think that's -- that's 00:26:50</p> <p>8 what I saw from the Japanese research study that 00:26:53</p> <p>9 was done back in the 1950s. 00:26:56</p> <p>10 Q. All right. So let's -- let's kind of 00:26:58</p> <p>11 look at the two of them together, the rear naked 00:27:03</p> <p>12 choke and the lateral vascular neck restraint. 00:27:05</p> <p>13 Both of them share the common characteristics 00:27:09</p> <p>14 that they put bilateral pressure on both sides of 00:27:12</p> <p>15 the neck. True? 00:27:15</p> <p>16 A. True. 00:27:16</p> <p>17 Q. Both of them do not put pressure on the 00:27:16</p> <p>18 trachea. True? 00:27:23</p> <p>19 A. True. 00:27:24</p> <p>20 Q. All right. So where is the difference 00:27:25</p> <p>21 in the application between the lateral vascular 00:27:31</p> <p>22 neck restraint and the rear naked choke? 00:27:34</p> <p>23 A. The difference lies in -- in the safety 00:27:37</p> <p>24 features of the lateral vascular neck restraint 00:27:42</p> <p>25 system. We have a system in our methodology in 00:27:45</p> <p style="text-align: right;">Page 25</p>

1 place that -- that greatly discourages the 00:27:50	1 forearm is placed across the front of the throat 00:30:58
2 technique deteriorating into a bar arm choke. 00:27:55	2 and the pressure is applied to the front 00:31:00
3 Q. And what do you mean by that? 00:27:58	3 structures of the throat instead of the sides of 00:31:03
4 A. Primarily it's what we refer to in the 00:28:05	4 the neck. 00:31:06
5 lateral vascular neck restraint system as the 00:28:09	5 Q. So that would be pressure on the 00:31:06
6 neck brace principle. When a subject's neck is 00:28:12	6 trachea? 00:31:11
7 encircled and their chin is aligned with the 00:28:17	7 A. Yes, and larynx. 00:31:11
8 practitioner's elbow or the officer's elbow, 00:28:20	8 Q. And larynx. And that potentially leads 00:31:13
9 that -- that ensures bilateral compression on the 00:28:24	9 to asphyxia. Correct? 00:31:17
10 sides of the neck. The officer's encircling hand 00:28:28	10 A. It can lead to asphyxiation. It can 00:31:19
11 is palm down, and then it's joined by the 00:28:32	11 lead to other damages, fractures to the -- to the 00:31:22
12 officer's rear hand. The side of the officer's 00:28:34	12 structures in the front of the throat. 00:31:25
13 head is placed against the back of -- of the 00:28:38	13 Q. Have you reviewed -- well, let's talk 00:31:26
14 subject's head. 00:28:41	14 about what you reviewed. What have you reviewed 00:31:38
15 As the officer pulls to the rear and has 00:28:44	15 in preparing your opinions in this case? 00:31:40
16 that two handed grip that's essentially behind 00:28:47	16 A. Well, I, of course, reviewed the 00:31:42
17 the subject's head at that point, it creates a 00:28:50	17 policies that I rendered an opinion on. All of 00:31:46
18 biomechanical cervical collar, if you will, or a 00:28:55	18 the policies that I rendered opinion on, the use 00:31:49
19 C collar. People are familiar with those. You 00:29:00	19 of force policy and the arrest policy. I looked 00:31:51
20 see them if you get in a car wreck and, you know, 00:29:01	20 at their training policies. I reviewed all of 00:31:55
21 they suspect that you might have hurt your neck, 00:29:04	21 the video that -- that we had access to, and 00:31:59
22 they put that on you. What that does is it stops 00:29:07	22 Officer Lopera's body camera. You know, then 00:32:04
23 the side to side action of your head as if you 00:29:11	23 there was an overhead video at the Venetian Hotel 00:32:09
24 were shaking your head no. It doesn't allow that 00:29:14	24 and then there was a video that was shot 00:32:13
25 movement of your cervical vertebrae. 00:29:17	25 underneath, you know, the parking area there. I 00:32:17
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1 In the same sense, the neck brace 00:29:22	1 read some different articles and news items 00:32:24
2 principle does the same thing. It makes it very 00:29:24	2 pertaining to this case, too. Watched some local 00:32:28
3 difficult for that side to side movement of the 00:29:27	3 news video from out in Las Vegas, things like 00:32:31
4 head. So it stabilizes the neck. It locks the 00:29:31	4 that. 00:32:36
5 cervical vertebrae in place and holds it still 00:29:35	5 Q. Did you review -- sorry. Pardon me for 00:32:37
6 and safe while bilateral compression is applied 00:29:39	6 interrupting you. 00:32:40
7 to the sides of the neck. The airway is 00:29:42	7 A. No, that's it. 00:32:40
8 protected in front of or behind the officer's 00:29:47	8 Q. Did you review the arrest report? 00:32:43
9 elbow, and that's why you don't get pressure to 00:29:52	9 A. I don't believe I did. 00:32:45
10 the front of the airway. 00:29:55	10 Q. Was it -- 00:32:52
11 The neck brace principle is one of the 00:29:56	11 A. You mean, as far as -- you mean the 00:32:52
12 things that we credit. We give a great deal of 00:29:59	12 incident report? The written? 00:32:54
13 credit to the neck brace principle for the LVNR 00:30:06	13 Q. The incident report. 00:32:56
14 safety record. We believe that's one of the 00:30:09	14 A. The written incident report, yes. 00:32:58
15 things that makes it a very safe, teachable 00:30:11	15 Q. Okay. I think they call it, I don't 00:33:00
16 technique and usable on the street. 00:30:14	16 know why, but they call it arrest report in this 00:33:04
17 Q. Now, without this neck brace principle, 00:30:18	17 situation. 00:33:07
18 you believe there's a danger that a rear naked 00:30:29	18 A. Okay. 00:33:07
19 choke could deteriorate into a what? 00:30:32	19 Q. And it has a series of timelines 00:33:08
20 A. We believe that it could deteriorate 00:30:37	20 beginning from the time that the neck restraint 00:33:12
21 into a bar arm choke. A bar arm choke is -- 00:30:41	21 was applied until it was released. Do you know 00:33:16
22 Q. What do you mean by that? 00:30:44	22 what I'm referring to? 00:33:20
23 A. A bar arm choke is when the subject's -- 00:30:45	23 A. Yes. 00:33:21
24 the front structures of the throat are in line 00:30:48	24 Q. And it also has a number of statements 00:33:22
25 with the -- the officer's forearm. So the 00:30:52	25 in it that are attributed to Officer Lopera, when 00:33:28
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<p>1 he's describing what he did in terms of what 00:33:32</p> <p>2 type, apparently what type of a hold he applied. 00:33:36</p> <p>3 Do you know what I'm referring to? 00:33:39</p> <p>4 A. Yes. 00:33:41</p> <p>5 Q. Okay. Have you reviewed any 00:33:41</p> <p>6 depositions? 00:33:46</p> <p>7 A. Yes. I reviewed depositions. 00:33:47</p> <p>8 Q. What depositions? 00:33:49</p> <p>9 A. I reviewed -- I don't have a whole list 00:33:52</p> <p>10 of them that I've read. I've got -- I've gotten 00:33:58</p> <p>11 several of them, and I've reviewed Bland, 00:34:01</p> <p>12 Sergeant Bland, and I don't have a list of names 00:34:08</p> <p>13 here with me. I'm sorry. 00:34:14</p> <p>14 Q. It's all right. Do you have a list or 00:34:15</p> <p>15 no -- 00:34:20</p> <p>16 A. I do not. 00:34:20</p> <p>17 Q. -- you don't remember? 00:34:21</p> <p>18 A. I don't. I reviewed Mr. Lopera's expert 00:34:22</p> <p>19 witness's -- I can't recall his name, but he 00:34:26</p> <p>20 worked in -- in Nevada. He was a police officer 00:34:31</p> <p>21 in Nevada, reviewed his. 00:34:34</p> <p>22 Q. Okay. Did you review Frank Mir? He's a 00:34:38</p> <p>23 martial arts guy. 00:34:43</p> <p>24 A. Yes. 00:34:44</p> <p>25 Q. Okay. Do you remember Mr. Mir saying 00:34:45</p> <p style="text-align: right;">Page 30</p>	<p>1 has encircled Mr. Farmer's neck with his left 00:36:23</p> <p>2 arm, and the hand placement of his right hand is 00:36:27</p> <p>3 behind Mr. Farmer's head. That -- that is clear 00:36:34</p> <p>4 to me because of the placement of his forearm and 00:36:38</p> <p>5 elbow. Officer Lopera's forearm and elbow are in 00:36:40</p> <p>6 front of his face. 00:36:44</p> <p>7 It's physically impossible to do a 00:36:47</p> <p>8 lateral vascular neck restraint and have your 00:36:48</p> <p>9 arm, your forearm and elbow be in front of your 00:36:51</p> <p>10 face. However, if you're doing a rear naked 00:36:54</p> <p>11 choke, that's exactly where they're going to be. 00:36:57</p> <p>12 So that's what I saw in the video. 00:37:00</p> <p>13 Q. Okay. Let me stop you there for a 00:37:02</p> <p>14 second because I'm not sure I understand. 00:37:04</p> <p>15 A. Uh-huh. 00:37:06</p> <p>16 Q. All right. You saw the one arm encircle 00:37:07</p> <p>17 the neck. True? 00:37:11</p> <p>18 A. Yes, the left arm. 00:37:12</p> <p>19 Q. Right. And was the elbow placed in 00:37:14</p> <p>20 front of the trachea so there's no pressure on 00:37:19</p> <p>21 the trachea? 00:37:21</p> <p>22 A. I couldn't tell that. I don't know 00:37:23</p> <p>23 where the placement was. The video was not up 00:37:25</p> <p>24 close and the quality of it didn't allow for that 00:37:28</p> <p>25 type of an examination. I can only tell you the 00:37:30</p> <p style="text-align: right;">Page 32</p>
<p>1 that he didn't think that the hold that was 00:34:53</p> <p>2 applied by Officer Lopera was either a lateral 00:34:56</p> <p>3 vascular neck restraint or a rear naked choke? 00:35:00</p> <p>4 A. Yes. 00:35:04</p> <p>5 Q. Okay. Do you agree or disagree with 00:35:04</p> <p>6 that? 00:35:09</p> <p>7 A. You know, I can only tell you that I 00:35:09</p> <p>8 know what it is. I feel like I can. I disagree. 00:35:14</p> <p>9 I disagree with, you know, if he says that it's 00:35:17</p> <p>10 an LVNR, I disagree with that, absolutely. 00:35:22</p> <p>11 Q. Right. Tell me, please, what you saw in 00:35:24</p> <p>12 the videos that caused you to believe that 00:35:34</p> <p>13 Officer Lopera was applying a rear naked choke. 00:35:38</p> <p>14 A. Well, the thing that caused me to 00:35:41</p> <p>15 believe that he was applying a rear naked choke 00:35:46</p> <p>16 was the video that was taken. The view of the 00:35:48</p> <p>17 camera is from the top of the head down, from 00:35:51</p> <p>18 Mr. Lopera -- or Officer Lopera and Mr. Farmer. 00:35:57</p> <p>19 So that's -- that's the view of the camera. In 00:36:00</p> <p>20 -- in that, it's clear to me that a rear naked 00:36:03</p> <p>21 choke is being applied. 00:36:06</p> <p>22 The reason that it's clear to me is 00:36:07</p> <p>23 because the hallmarks of an LVNR, the neck brace 00:36:10</p> <p>24 principle, doesn't exist in that video. It's 00:36:14</p> <p>25 simply not there. I can see that Officer Lopera 00:36:17</p> <p style="text-align: right;">Page 31</p>	<p>1 placement of the arms. 00:37:33</p> <p>2 Q. I'm sorry. How far away was the -- how 00:37:34</p> <p>3 far away was the video? 00:37:39</p> <p>4 A. I don't know. I mean, it didn't look 00:37:40</p> <p>5 like it was very far away, but I mean, you know, 00:37:41</p> <p>6 I can't tell you how -- you mean, how far away 00:37:45</p> <p>7 was the person who was shooting it? 00:37:48</p> <p>8 Q. That's right. 00:37:50</p> <p>9 A. Yeah, I don't know. 00:37:51</p> <p>10 Q. Can you estimate? 00:37:52</p> <p>11 A. If I was standing there on the ground 00:37:55</p> <p>12 and that camera was my eyes, I'd say I'd probably 00:37:59</p> <p>13 be about 25 feet from him, something like that. 00:38:02</p> <p>14 Q. Okay. Was this a body camera, if you 00:38:06</p> <p>15 know, or was it a part of the Venetian video? 00:38:09</p> <p>16 A. I don't know. 00:38:12</p> <p>17 Q. Okay. All right. Did you ever -- were 00:38:13</p> <p>18 you able -- do you have that video? 00:38:16</p> <p>19 A. I do. 00:38:18</p> <p>20 Q. All right. 00:38:19</p> <p>21 MR. SAYRE: Craig, I'd like to mark 00:38:24</p> <p>22 that video for identification, if you know which 00:38:25</p> <p>23 videos he's referring to. 00:38:29</p> <p>24 MR. ANDERSON: I assume he's 00:38:31</p> <p>25 referring to the overhead Venetian video, but I'm 00:38:36</p> <p style="text-align: right;">Page 33</p>

1 not sure. 00:38:39  
2 THE WITNESS: It is. 00:38:40  
3 MR. ANDERSON: Okay. 00:38:41  
4 THE WITNESS: I guess that was from 00:38:43  
5 a hotel camera. Correct? 00:38:44  
6 MR. ANDERSON: Yeah, the hotel 00:38:47  
7 camera. 00:38:48  
8 THE WITNESS: Okay. 00:38:48  
9 MR. SAYRE: All right. Is there a 00:38:51  
10 way to -- for us to mark that for identification? 00:38:53  
11 MR. ANDERSON: Did you have it with 00:38:57  
12 you, Captain? 00:39:01  
13 THE WITNESS: Do I have the video? 00:39:02  
14 Yeah, I have it back at my office. I do. I 00:39:04  
15 don't have it here with me. I'm sorry. 00:39:08  
16 MR. ANDERSON: I mean, I produced 00:39:10  
17 the Venetian video and the body cam. He's 00:39:13  
18 talking about the Venetian video that we've used 00:39:19  
19 throughout the litigation, if you want another 00:39:19  
20 copy. 00:39:21  
21 MR. SAYRE: Well, I just want to 00:39:23  
22 mark it for identification, because he's relying 00:39:24  
23 upon that view, and I think it's important to 00:39:27  
24 mark what he's relying upon. 00:39:29  
25 MR. ANDERSON: Fred? 00:39:31

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1 MR. SAYRE: Yeah. 00:39:37  
2 MR. MCNUTT: If he says this, I 00:39:37  
3 missed it, but if you wouldn't mind, I'd ask 00:39:38  
4 Captain Lynch, in the video that you watched was 00:39:41  
5 it one view of the action on the ground or were 00:39:44  
6 there side by side views of different cameras? 00:39:50  
7 For example, there's one video that has been 00:39:53  
8 produced where it shows the static view that I 00:39:56  
9 think you're talking about from the Venetian, and 00:40:00  
10 then simultaneously on the screen it shows a body 00:40:02  
11 cam, a body worn cam angle as well. Can you 00:40:06  
12 describe the video that you saw? 00:40:10  
13 THE WITNESS: You know, I've seen 00:40:13  
14 both of those, but it seems like one of them was 00:40:14  
15 a -- a -- you know, posted on a law enforcement 00:40:19  
16 site. I believe the one that -- that -- that I 00:40:22  
17 was sent is just the -- just the camera angle. 00:40:30  
18 MR. MCNUTT: The static, on the -- 00:40:37  
19 THE WITNESS: The static overhead, 00:40:40  
20 yeah, right. There's been three videos. There's 00:40:41  
21 the static from the overhead, and then there's 00:40:46  
22 the body cam and then there's a pretty grainy 00:40:48  
23 shot that's high up on the hotel, it looks like, 00:40:53  
24 or high up on a structure that's shooting down 00:40:57  
25 that shows Mr. Farmer run underneath of the, you 00:41:00

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1 know, run under the parking area there, and then 00:41:07  
2 Officer Lopera's in pursuit of him. And those 00:41:10  
3 are the three that I've seen. 00:41:14  
4 MR. MCNUTT: What I'd like to, do, 00:41:17  
5 Craig, is with your permission and with Captain 00:41:19  
6 Lynch's permission, is I'd like to have him 00:41:22  
7 identify -- I know he doesn't have it with him 00:41:24  
8 today, but identify for the court reporter the 00:41:26  
9 video that he's relying upon and provide it to 00:41:30  
10 the court reporter so it can be marked for 00:41:33  
11 identification as Plaintiffs' 1 to this 00:41:36  
12 deposition. Is that all right? 00:41:39  
13 MR. ANDERSON: That's all right. 00:41:42  
14 It will have to be copies. I think that's the 00:41:43  
15 only copy he has. 00:41:45  
16 MR. SAYRE: That's fine. 00:41:47  
17 MR. ANDERSON: Okay. We can figure 00:41:48  
18 it out. 00:41:49  
19 Q. (By Mr. Sayre) Do you understand, 00:41:50  
20 Captain? 00:41:51  
21 A. Yeah. 00:41:52  
22 Q. I'd like to be able to take -- have you 00:41:52  
23 make a copy of that video, the one that you're 00:41:54  
24 relying upon, provide it to the court reporter, 00:41:58  
25 who will attach it as an exhibit to the 00:42:00

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1 deposition. 00:42:02  
2 A. Okay. 00:42:03  
3 Q. Okay. Thank you. 00:42:03  
4 (Lynch Exhibit 1 was marked for 00:42:03  
5 identification by the reporter.) 00:42:06  
6 Q. (By Mr. Sayre) So let's go back to what 00:42:06  
7 you recall seeing. The neck was encircled with 00:42:11  
8 one arm, and that would be true of either a 00:42:17  
9 lateral vascular neck restraint or a rear naked 00:42:19  
10 choke. Correct? 00:42:22  
11 A. Yes. 00:42:23  
12 Q. And the elbow was placed, aligned in 00:42:23  
13 front of the trachea so there's no pressure on 00:42:31  
14 the trachea, and that would be the same whether 00:42:34  
15 it's a lateral vascular neck restraint or rear 00:42:37  
16 naked choke. True? 00:42:40  
17 A. Ideally it would be the same. I don't 00:42:41  
18 know if -- I don't know where it was aligned, you 00:42:44  
19 know, in the case of -- 00:42:46  
20 Q. That's right. You told me you couldn't 00:42:48  
21 see if it was aligned or not. 00:42:49  
22 A. No. 00:42:50  
23 Q. Okay. Then what was important to you 00:42:51  
24 that told you was the hallmarks, if you will, of 00:42:54  
25 the rear naked choke, was that the right hand was 00:42:57

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1 behind his head? 00:43:02	1 A. Yes, I saw that -- I saw that the hand 00:45:55
2 A. Right hand was in front of his head, in 00:43:06	2 was in front of Officer Lopera's face. The 00:46:00
3 front of Officer Lopera's head. 00:43:09	3 video's rather dark, but it appears to be up 00:46:04
4 Q. Right hand in front of him? 00:43:11	4 against the back of the head of the person there. 00:46:06
5 A. Uh-huh. Yes. 00:43:14	5 Q. Okay. As the neck is encircled, the 00:46:11
6 Q. Okay. And why is that indicative of a 00:43:15	6 hand of the encircling arm is usually passed 00:46:14
7 rear naked choke? 00:43:21	7 underneath the forearm of the non-encircling arm 00:46:17
8 A. The hand would be in front of your face 00:43:22	8 in an attempt to grab the biceps of the 00:46:21
9 if you were applying pressure to the back of the 00:43:27	9 non-encircling arm. Is that correct? 00:46:24
10 head with your hand. 00:43:29	10 A. Yes. If that can be accomplished, 00:46:25
11 Q. Okay. And the back -- applying pressure 00:43:32	11 you've got, you know, a superior lock there. It 00:46:28
12 to the back of the head with your hand is what 00:43:37	12 can't always be done because of body mechanics, 00:46:31
13 you would do with a lateral vascular neck 00:43:39	13 and you know, people are different sizes and 00:46:34
14 restraint? 00:43:41	14 shapes, but ideally, that's what you're looking 00:46:36
15 A. Nope. With a lateral vascular neck 00:43:42	15 for. 00:46:39
16 restraint you're going to use the neck brace 00:43:45	16 Q. Did you see that in the video? 00:46:39
17 principle, so the side of your head is going to 00:43:47	17 A. No. I couldn't tell if he had grabbed 00:46:42
18 be against the subject's head. Your hands are 00:43:49	18 his own biceps or not. 00:46:46
19 going to be collapsed out to the side and to the 00:43:51	19 Q. By pulling both elbows tightly into the 00:46:47
20 rear of the subject's head. 00:43:55	20 chest and pushing against the back of the head 00:46:55
21 Q. So here there was no head to head 00:43:58	21 with the back of the hand, pressure is then 00:46:58
22 contact? 00:44:03	22 applied to the back of the subject's head forcing 00:47:00
23 A. I didn't see any head to head contact. 00:44:04	23 it forward while bilateral pressure is applied to 00:47:04
24 I just saw that the hand was in front of Officer 00:44:06	24 the side of the subject's neck. Did you see 00:47:09
25 Lopera's face. You can tell that, also, by his 00:44:10	25 that? 00:47:13
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1 forearm. His -- his right forearm is almost 00:44:13	1 A. Which part? 00:47:13
2 vertical in the video. With a -- with a lateral 00:44:18	2 Q. Well, any part of it. 00:47:19
3 vascular neck restraint it would have been 00:44:24	3 A. I could tell that there was a hand 00:47:20
4 horizontal in that side mount position that he 00:44:26	4 applied to the back of the head and that the left 00:47:22
5 was in. 00:44:29	5 arm had encircled the subject's neck. 00:47:24
6 Q. All right. Anything else that 00:44:30	6 Q. Okay. So it looked to you like what, as 00:47:26
7 distinguished this as being a rear naked choke as 00:44:40	7 far as you could see, that what Officer Lopera 00:47:33
8 opposed to a lateral vascular neck restraint, in 00:44:43	8 was doing was a rear naked choke? 00:47:37
9 your view? 00:44:46	9 A. Yes. 00:47:39
10 A. In the video? 00:44:46	10 Q. Okay. It definitely did not look to you 00:47:40
11 Q. Yes. 00:44:49	11 like he was using a lateral vascular neck 00:47:45
12 A. The admission from -- from Officer 00:44:49	12 restraint? 00:47:48
13 Lopera that he used a rear naked choke. 00:44:55	13 A. No, it did not. 00:47:49
14 Q. Okay. We'll come to that in a second, 00:44:57	14 Q. All right. Would you agree that the 00:47:50
15 but in terms of your observations, the neck brace 00:45:00	15 application of a rear naked choke in this 00:47:55
16 principle was not there, and that's a key thing 00:45:08	16 situation would constitute excessive force? 00:47:59
17 to you. Correct? 00:45:12	17 A. I don't -- you know, I don't know. I 00:48:02
18 A. Yes. 00:45:13	18 didn't look into that's not -- into that 00:48:05
19 Q. It says in your opinion, the back of the 00:45:13	19 particular area. It's not something I examined 00:48:06
20 hand of the non-encircling arm is usually placed 00:45:41	20 or rendered an opinion on. 00:48:08
21 against the back of the subject's head as the 00:45:46	21 Q. Why is the -- my understanding of the 00:48:09
22 encircling arm encircles the neck. Is that 00:45:48	22 reason why -- why not a rear naked choke is that 00:48:16
23 correct? 00:45:52	23 it basically just has one speed, if you will. 00:48:22
24 A. Yes. 00:45:52	24 Maximum pressure or it isn't applied. Correct? 00:48:24
25 Q. Did you see that? 00:45:52	25 A. Well, it would depend on, you know, 00:48:27
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<p>1 whatever somebody's policy was to that. I mean, 00:48:30</p> <p>2 you can regulate pressure with a rear naked 00:48:34</p> <p>3 choke. However, in -- you know, most 00:48:36</p> <p>4 practitioners who use it in competition settings, 00:48:38</p> <p>5 they do not do that. They apply it, and it's an 00:48:41</p> <p>6 all or nothing proposition. 00:48:44</p> <p>7 Q. And that's what you say in your opinion. 00:48:45</p> <p>8 Correct? 00:48:49</p> <p>9 A. Yes. 00:48:50</p> <p>10 Q. All right. And in this situation, a 00:48:50</p> <p>11 rear naked choke could be potentially fatal. 00:48:58</p> <p>12 Correct? 00:49:00</p> <p>13 A. If it deteriorates into a bar arm choke, 00:49:01</p> <p>14 you know, any -- any neck restraint could be 00:49:06</p> <p>15 potentially fatal, but yes. 00:49:07</p> <p>16 Q. Can you tell whether it's deteriorated 00:49:09</p> <p>17 into a bar arm choke in this situation? 00:49:15</p> <p>18 A. I could not. 00:49:17</p> <p>19 Q. All right. Is the fact that -- first of 00:49:18</p> <p>20 all, using the Graham -- the Graham factors, did 00:49:24</p> <p>21 you determine whether it was appropriate or not 00:49:33</p> <p>22 to use a rear naked choke? 00:49:36</p> <p>23 A. No. You know, I didn't look into the -- 00:49:37</p> <p>24 the case on that level or render any opinion 00:49:41</p> <p>25 about, you know, whether his force was excessive. 00:49:44</p> <p style="text-align: right;">Page 42</p>	<p>1 report concerning the incident? 00:51:13</p> <p>2 A. Yes. 00:51:15</p> <p>3 Q. Okay. Do you have any opinions 00:51:16</p> <p>4 regarding the behavior of Sergeant Crumrine? 00:51:24</p> <p>5 A. No. You know -- was it Sergeant 00:51:28</p> <p>6 Crumrine who said let him go, Ken? Is that -- 00:51:33</p> <p>7 was it -- 00:51:36</p> <p>8 Q. Yes. 00:51:37</p> <p>9 A. Okay. You know, I thought it was 00:51:38</p> <p>10 appropriate. I didn't see anything wrong with 00:51:40</p> <p>11 telling him let him go. In fact, I, you know, 00:51:43</p> <p>12 could kind of consider that an intervention at 00:51:47</p> <p>13 that point, in him directing to let the person 00:51:50</p> <p>14 go. The officer asked is he out, and you know, 00:51:52</p> <p>15 they said yes, let him go, which is when they 00:51:56</p> <p>16 ended up unwrapping him, you know, from the neck 00:52:00</p> <p>17 restraint and putting him in some handcuffs. 00:52:03</p> <p>18 Q. Well, actually, was he maintained in the 00:52:05</p> <p>19 neck restraint for another 46 seconds? 00:52:10</p> <p>20 A. Was it 46 seconds? 00:52:12</p> <p>21 MR. MCNUTT: Object to form. 00:52:14</p> <p>22 A. Was that the time they were handcuffing 00:52:16</p> <p>23 him? 00:52:17</p> <p>24 Q. (By Mr. Sayre) Well, from the time they 00:52:19</p> <p>25 said let him go, it says in the timeline that he 00:52:21</p> <p style="text-align: right;">Page 44</p>
<p>1 Q. If Officer Lopera was using a rear naked 00:49:48</p> <p>2 choke, would the three officers who were standing 00:49:54</p> <p>3 within three feet of him, Sergeant Crumrine, 00:49:57</p> <p>4 Officer Flores and Officer Winn, have a duty to 00:50:03</p> <p>5 stop him from using a rear naked choke? 00:50:11</p> <p>6 A. You know, I don't know. I don't know 00:50:13</p> <p>7 what the policy -- you know, what their policy 00:50:17</p> <p>8 says about that. I don't -- I didn't look into 00:50:20</p> <p>9 like an intervention policy or anything like that 00:50:25</p> <p>10 with the Las Vegas PD. 00:50:28</p> <p>11 Q. Well, would any officer have a duty to 00:50:30</p> <p>12 intervene if excessive force were using on 00:50:35</p> <p>13 Mr. Farmer? 00:50:40</p> <p>14 A. Yes. 00:50:41</p> <p>15 MR. ANDERSON: Objection, form. 00:50:42</p> <p>16 Q. (By Mr. Sayre) And if the rear naked 00:50:44</p> <p>17 choke is considered excessive force, the officers 00:50:46</p> <p>18 would have a duty to intervene to stop it. 00:50:50</p> <p>19 Correct? 00:50:53</p> <p>20 A. Yes. 00:50:54</p> <p>21 MR. ANDERSON: Objection, form. 00:50:54</p> <p>22 A. If it was considered to be excessive 00:50:55</p> <p>23 force, then they would have a duty to protect the 00:50:57</p> <p>24 person that was being controlled. 00:50:59</p> <p>25 Q. (By Mr. Sayre) Did you read the FIT 00:51:03</p> <p style="text-align: right;">Page 43</p>	<p>1 wasn't released until 46 seconds later. 00:52:26</p> <p>2 MR. MCNUTT: Objection, form. 00:52:29</p> <p>3 MR. ANDERSON: Objection, form. 00:52:30</p> <p>4 Q. (By Mr. Sayre) Did you read that? 00:52:31</p> <p>5 A. Yeah, but I have no idea what type of 00:52:32</p> <p>6 compression was being applied to anybody during 00:52:34</p> <p>7 that time. It would be impossible to tell from 00:52:36</p> <p>8 looking at a videotape or even if you were 00:52:41</p> <p>9 standing there. 00:52:43</p> <p>10 Q. If it was a rear naked choke, as you 00:52:44</p> <p>11 said, it's either maximum pressure or nothing. 00:52:48</p> <p>12 Right? 00:52:50</p> <p>13 A. Well, it would be until someone either 00:52:50</p> <p>14 complied or passed out, but I don't know. I 00:52:54</p> <p>15 mean, you can stop pressure at anytime you wish, 00:52:57</p> <p>16 so I don't know how much, at what time or for how 00:52:59</p> <p>17 long. It's impossible for me to tell you 00:53:03</p> <p>18 anything like that. I don't know. 00:53:05</p> <p>19 Q. Did Sergeant Crumrine have a duty to 00:53:06</p> <p>20 make sure that Officer Lopera relieved the 00:53:12</p> <p>21 pressure on the neck restraint? 00:53:15</p> <p>22 A. I don't know how he would be able to 00:53:16</p> <p>23 know that. It's very difficult. Unless you're 00:53:18</p> <p>24 applying the technique, you don't know how much 00:53:20</p> <p>25 pressure is being applied. 00:53:23</p> <p style="text-align: right;">Page 45</p>

<p>1 Q. Well, if it's a rear naked choke you 00:53:25</p> <p>2 know how much pressure is being applied. Right? 00:53:30</p> <p>3 MR. MCNUTT: Objection, form. 00:53:32</p> <p>4 A. No, I would not know how much is being 00:53:35</p> <p>5 applied. It would be up to the person applying 00:53:37</p> <p>6 the technique. 00:53:39</p> <p>7 Q. (By Mr. Sayre) Well, I thought you said 00:53:39</p> <p>8 a rear naked choke you provide maximum pressure 00:53:41</p> <p>9 or you don't provide -- or is there no hold? 00:53:44</p> <p>10 MR. MCNUTT: Objection, form. 00:53:46</p> <p>11 A. No, that's not what I meant by that at 00:53:49</p> <p>12 all. 00:53:51</p> <p>13 Q. (By Mr. Sayre) Okay. Tell me what you 00:53:51</p> <p>14 meant. 00:53:53</p> <p>15 A. What I mean is is that when you apply 00:53:53</p> <p>16 the technique, you apply it with maximum 00:53:55</p> <p>17 pressure. That's usually how it's applied, but 00:53:59</p> <p>18 you can still regulate. That doesn't preclude 00:54:02</p> <p>19 you from regulating pressure. You can still do 00:54:05</p> <p>20 that. That's another difference with the lateral 00:54:08</p> <p>21 vascular neck restraint. We teach three levels 00:54:12</p> <p>22 of control and -- to match the subject's 00:54:15</p> <p>23 resistance. With a rear naked choke there aren't 00:54:18</p> <p>24 three levels of control usually that are 00:54:23</p> <p>25 instructed to people. 00:54:25</p> <p style="text-align: right;">Page 46</p>	<p>1 Do you agree with that? 00:56:16</p> <p>2 A. Yes. 00:56:17</p> <p>3 Q. That would be true of the rear naked 00:56:17</p> <p>4 choke. Right? 00:56:22</p> <p>5 A. It can or it cannot be. You can still 00:56:22</p> <p>6 regulate pressure. My statement doesn't imply 00:56:26</p> <p>7 that you can't regulate pressure that's applied 00:56:29</p> <p>8 to the sides of the somebody's neck. It just 00:56:31</p> <p>9 implies that in the mixed martial arts community 00:56:35</p> <p>10 many times that's -- that's how they are taught 00:56:38</p> <p>11 and that's how they're applied, especially in 00:56:40</p> <p>12 competition settings. 00:56:43</p> <p>13 Q. But you would agree with me that the 00:56:44</p> <p>14 Metropolitan Police Department does not teach 00:56:48</p> <p>15 people how to regulate the pressure of a rear 00:56:50</p> <p>16 naked choke? 00:56:53</p> <p>17 A. Correct. They don't teach the rear 00:56:54</p> <p>18 naked choke at all, to my knowledge. 00:56:57</p> <p>19 Q. So Officer Lopera would have no 00:56:59</p> <p>20 knowledge about how to, as instructed by the 00:57:02</p> <p>21 lateral -- by the Metropolitan Police Department, 00:57:05</p> <p>22 about how to regulate the pressure on the neck of 00:57:08</p> <p>23 Mr. Farmer if he was using a rear naked choke? 00:57:11</p> <p>24 A. I guess not. 00:57:15</p> <p>25 MR. MCNUTT: Objection. 00:57:18</p> <p style="text-align: right;">Page 48</p>
<p>1 Q. Right. So there's no way to control the 00:54:26</p> <p>2 pressure other than you either have the maximum 00:54:30</p> <p>3 pressure applied or you release it. Correct? 00:54:34</p> <p>4 A. Well, you can still regulate pressure. 00:54:37</p> <p>5 Q. Well, but the police department doesn't 00:54:39</p> <p>6 teach people how to regulate pressure when they 00:54:43</p> <p>7 use the rear naked choke. Correct? 00:54:46</p> <p>8 A. Police department doesn't teach a rear 00:54:48</p> <p>9 naked choke. 00:54:50</p> <p>10 Q. Well, therefore, the police department 00:54:51</p> <p>11 doesn't teach people how to regulate the pressure 00:54:54</p> <p>12 of a rear naked choke. Right? 00:54:56</p> <p>13 A. No, I don't guess they would if they 00:54:58</p> <p>14 don't teach the technique. 00:55:00</p> <p>15 Q. I guess so. Take a look at your -- 00:55:02</p> <p>16 Page 7 of your report. It's under the area 00:55:25</p> <p>17 called The Basis for Opinion 4. 00:55:36</p> <p>18 A. Okay. 00:55:47</p> <p>19 Q. Last paragraph on that page. "Many neck 00:55:49</p> <p>20 restraints that are practiced in the mixed 00:55:56</p> <p>21 martial arts community are an all or nothing 00:55:59</p> <p>22 proposition, in the sense that when they are 00:56:02</p> <p>23 applied, maximum compression is immediately 00:56:04</p> <p>24 applied to the sides of the neck until the person 00:56:08</p> <p>25 it is being applied to is rendered unconscious." 00:56:11</p> <p style="text-align: right;">Page 47</p>	<p>1 A. He's not taught a rear naked choke by 00:57:19</p> <p>2 the police department, so I guess that's not 00:57:22</p> <p>3 what -- what he'd know. 00:57:24</p> <p>4 Q. (By Mr. Sayre) All right. Did you read 00:57:26</p> <p>5 the deposition of Officer Winn? 00:57:29</p> <p>6 MR. MCNUTT: You mean Tran? 00:57:34</p> <p>7 MR. ANDERSON: You mean Tran? 00:57:36</p> <p>8 Q. (By Mr. Sayre) Tran, sorry. 00:57:37</p> <p>9 A. Yes, I did. 00:57:38</p> <p>10 Q. Okay. Do you recall Officer Tran saying 00:57:40</p> <p>11 that from the time that he got there Mr. Farmer 00:57:44</p> <p>12 was providing no resistance? 00:57:47</p> <p>13 A. Yes. 00:57:51</p> <p>14 Q. Okay. Take a look at your Page 10. It 00:57:53</p> <p>15 would be the basis for opinion 6. Okay. 00:58:00</p> <p>16 A. Okay. 00:58:11</p> <p>17 Q. In the middle of the last paragraph it 00:58:12</p> <p>18 says -- when it's talking about the guidelines of 00:58:18</p> <p>19 using the lateral vascular neck restraint as set 00:58:20</p> <p>20 forth by the Metropolitan Police Department. 00:58:24</p> <p>21 A. Okay. 00:58:29</p> <p>22 Q. It says, "This particular guideline 00:58:29</p> <p>23 requires an officer applying the LVNR to a 00:58:32</p> <p>24 subject cease all compression on the sides of the 00:58:35</p> <p>25 subject's neck once resistance has concluded." 00:58:40</p> <p style="text-align: right;">Page 49</p>



1 Do you agree with that? 00:58:43	1 Q. All right. So is it fair to say that 01:01:20
2 A. Yes. 00:58:44	2 your opinion that he used a rear naked choke on 01:01:26
3 Q. So if Officer Tran says that he was 00:58:44	3 Mr. Farmer is in part based upon your 01:01:31
4 applying no resistance, should Officer Lopera 00:58:51	4 observations of the video. Correct? 01:01:37
5 have ceased any kind of neck restraint at that 00:58:56	5 A. Yeah, it's a hundred percent based on my 01:01:39
6 point? 00:58:59	6 observations of the video. The fact that he 01:01:42
7 MR. MCNUTT: Objection, form. 00:59:01	7 verbalized it afterwards just, you know, adds 01:01:44
8 A. Well, that's -- that's not quite 00:59:01	8 another layer to it, I guess, of confirmation. 01:01:48
9 correct. We -- we train officers if they're 00:59:04	9 Q. So the other part of it is that you 01:01:52
10 applying the lateral vascular neck restraint that 00:59:07	10 perceived him as having made admissions that he 01:01:56
11 when somebody stops resisting that they should 00:59:10	11 used a rear naked choke by Mr. Lopera by the 01:01:59
12 reduce their level of control to what we call 00:59:13	12 things that he said to the other officer? 01:02:02
13 level one minus. A level one minus, the minus 00:59:15	13 A. Yes, that's what he said. 01:02:04
14 refers to minus compression. So it's a position 00:59:19	14 MR. MCNUTT: Objection, form. 01:02:06
15 of control, not a level of control, and you 00:59:25	15 Q. (By Mr. Sayre) I'm sorry, I couldn't 01:02:07
16 maintain your neck encirclement, you maintain 00:59:29	16 hear your answer. 01:02:09
17 your head to head contact, but you don't compress 00:59:33	17 A. Yes, that was that he said on the -- on 01:02:09
18 the sides of the neck. 00:59:36	18 the video. 01:02:12
19 Q. All right. Did you see Officer Lopera 00:59:37	19 Q. Okay. But if I understand correctly, 01:02:13
20 assume that position at anytime during the course 00:59:44	20 you didn't need those admissions for you to come 01:02:17
21 of the time that he had his arm encircling the 00:59:48	21 to the conclusion that he was using a rear naked 01:02:20
22 neck of Mr. Farmer? 00:59:52	22 choke. You did that all by itself with regard to 01:02:23
23 A. It would be impossible to -- I can't 00:59:53	23 your observations? 01:02:27
24 tell you what level of control he was at because 00:59:55	24 A. Correct. 01:02:27
25 he wasn't doing an LVNR. Whether or not he was 00:59:58	25 MR. SAYRE: All right. Thank you. 01:02:31
Page 50	Page 52
1 still compressing the sides of the neck, there's 01:00:01	1 I have nothing further. 01:02:32
2 no way to know that, either. 01:00:03	2 MR. MCNUTT: Want to take a five- 01:02:33
3 Q. Okay. Now, you also heard or you read 01:00:04	3 minute break? 01:02:36
4 in the arrest report a number of statements that 01:00:15	4 MR. SAYRE: Sure. 01:02:38
5 were attributed to Officer Lopera concerning what 01:00:19	5 THE VIDEOGRAPHER: All right. It 01:02:39
6 type of a neck restraint he was employing? 01:00:24	6 is 3:16. We're off the record at the end of our 01:02:41
7 A. Yes. 01:00:27	7 first media. 01:02:43
8 Q. Okay. Now, did you actually listen to 01:00:28	8 (Recess.) 01:08:03
9 the tapes and hear those or did you just read 01:00:32	9 THE VIDEOGRAPHER: It is 3:21. 01:08:03
10 them in the arrest report? 01:00:35	10 We're back on the record at the beginning of our 01:08:16
11 A. Both. 01:00:36	11 second media. 01:08:18
12 Q. Okay. And what was it about those 01:00:36	12 EXAMINATION 01:08:18
13 statements that impressed you in terms of your 01:00:41	13 BY MR. MCNUTT: 01:08:20
14 opinion about whether he was using a lateral 01:00:46	14 Q. Captain Lynch, I introduced myself 01:08:20
15 vascular neck restraint or a rear naked choke? 01:00:48	15 earlier. I'm the lawyer for Officer Lopera. How 01:08:23
16 A. You know, just him saying that I had to 01:00:52	16 you are? 01:08:27
17 rear naked his ass, you know, and I also knew 01:00:57	17 A. Fine, sir. Doing good. 01:08:28
18 from just reading about Officer Lopera that he 01:00:59	18 Q. Good. I've got a few questions about 01:08:29
19 was a -- he's a mixed martial arts guy. He's 01:01:02	19 your report, but I'll start with a couple 01:08:31
20 done some training. I don't know if he's a 01:01:05	20 follow-up questions to Mr. Sayer's questioning a 01:08:33
21 Jujitsu guy or Judo guy or what he does, but I 01:01:09	21 little earlier. You said that you had, in fact, 01:08:39
22 think that would probably be part of his 01:01:12	22 reviewed the deposition of Sergeant Michael Bland 01:08:43
23 vernacular when he's talking about a neck 01:01:14	23 for Las Vegas Metro. Correct? 01:08:46
24 restraint. So I figured that he probably knows 01:01:17	24 A. Yes. 01:08:48
25 what that is. 01:01:20	25 Q. As well as you reviewed my expert, Frank 01:08:48
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<p>1 Mir's deposition transcript. Is that correct? 01:08:54</p> <p>2 A. Yeah. Yes. 01:08:55</p> <p>3 Q. Yeah. Please audibilize your answers. 01:08:57</p> <p>4 I can see you nod your head. 01:09:02</p> <p>5 A. Sure. 01:09:04</p> <p>6 Q. Do you know who Frank Mir is? 01:09:04</p> <p>7 A. No, I'm not familiar with him. 01:09:06</p> <p>8 Q. Okay. Are you aware of Mr. -- Sergeant 01:09:07</p> <p>9 Bland's background and training? 01:09:14</p> <p>10 A. Only what I read in the deposition 01:09:16</p> <p>11 there. 01:09:18</p> <p>12 Q. Okay. Would Sergeant Bland have more 01:09:20</p> <p>13 information or less information than you with 01:09:26</p> <p>14 respect to the differences between an LVNR and a 01:09:29</p> <p>15 rear naked choke? 01:09:33</p> <p>16 A. I don't know what he knows. 01:09:34</p> <p>17 MR. Sayre: Objection, calls for 01:09:38</p> <p>18 speculation. 01:09:38</p> <p>19 A. I don't know. 01:09:40</p> <p>20 Q. (By Mr. McNutt) Are you aware of the 01:09:40</p> <p>21 fact that Sergeant Bland said that the neck 01:09:42</p> <p>22 restraint utilized by Officer Lopera was, in his 01:09:45</p> <p>23 opinion, neither an LVNR nor was it a rear naked 01:09:50</p> <p>24 choke? 01:09:54</p> <p>25 A. Yes, I did read that. 01:09:54</p> <p style="text-align: right;">Page 54</p>	<p>1 Q. And isn't it true that the training 01:11:14</p> <p>2 techniques and policies that the Las Vegas 01:11:21</p> <p>3 Metropolitan Police Department utilizes states 01:11:27</p> <p>4 that the reason for the hands being clasped is so 01:11:33</p> <p>5 that you can obtain maximum pressure -- 01:11:36</p> <p>6 A. Yes. 01:11:38</p> <p>7 Q. -- on the neck? And isn't it true that 01:11:38</p> <p>8 those policies and procedures are largely, if not 01:11:42</p> <p>9 completely, adopted from the National Law 01:11:46</p> <p>10 Enforcement -- National Law Enforcement Training 01:11:50</p> <p>11 Center? 01:11:54</p> <p>12 A. Yes. 01:11:54</p> <p>13 Q. And that's the organization that 01:11:54</p> <p>14 licenses or is responsible for the training of 01:12:00</p> <p>15 the LVNR? 01:12:04</p> <p>16 A. Yes. 01:12:05</p> <p>17 Q. If you are laying on your right side, 01:12:05</p> <p>18 let's just assume that it's the same body angles 01:12:13</p> <p>19 as in the incident we're talking about, and 01:12:16</p> <p>20 Officer Lopera is -- got his left arm as the 01:12:20</p> <p>21 encircling arm -- 01:12:24</p> <p>22 A. Yes. 01:12:25</p> <p>23 Q. -- and they're back to chest. If they 01:12:25</p> <p>24 are -- if they are laying, both the subject and 01:12:27</p> <p>25 Officer Lopera are laying on the right side, is 01:12:30</p> <p style="text-align: right;">Page 56</p>
<p>1 Q. And you differ with his opinion? 01:09:57</p> <p>2 A. I do, yeah. 01:10:00</p> <p>3 Q. And why do you differ with his opinion? 01:10:02</p> <p>4 A. I differ with his opinion because I -- 01:10:04</p> <p>5 it just has all the clear hallmarks of a rear 01:10:07</p> <p>6 naked choke, you know. The placement of the 01:10:10</p> <p>7 arms. You know, whether or not -- what I can do 01:10:12</p> <p>8 for you, I can clearly define what an LVNR is, 01:10:17</p> <p>9 but in definition of a rear naked choke there's 01:10:21</p> <p>10 certain hallmarks to it. The placement. You 01:10:25</p> <p>11 know, of course, there's the encirclement of the 01:10:28</p> <p>12 arm, but there's also the way that compression is 01:10:31</p> <p>13 applied and the placement of the hands, and from 01:10:35</p> <p>14 the video that I examined I can clearly see that, 01:10:38</p> <p>15 you know, the hand is on the back of Mr. Farmer's 01:10:42</p> <p>16 head, and that there are no elbows behind Officer 01:10:44</p> <p>17 Lopera's head. It just looks to me like it's a 01:10:49</p> <p>18 rear naked choke. I don't have any trouble 01:10:51</p> <p>19 identifying it. 01:10:54</p> <p>20 Q. In your opinion, what is the purpose of 01:10:57</p> <p>21 the LVNR techniques requirement that the hands 01:11:02</p> <p>22 are clasped together? 01:11:04</p> <p>23 A. Well, the hand group is to ensure 01:11:06</p> <p>24 alignment of the forearms, and it aids you in 01:11:08</p> <p>25 pulling to the rear and applying compression. 01:11:11</p> <p style="text-align: right;">Page 55</p>	<p>1 it possible for Officer Lopera to connect his 01:12:34</p> <p>2 arms, or excuse me, connect his hands? 01:12:38</p> <p>3 A. It would be possible with the LVNR for 01:12:41</p> <p>4 him to connect his hands. Like I said, there are 01:12:44</p> <p>5 variances in bodies and different things. People 01:12:48</p> <p>6 have long arms, short arms, big necks, little 01:12:52</p> <p>7 necks, but yes, he would be able to, if he 01:12:55</p> <p>8 encircled with his left hand, he would be able to 01:12:58</p> <p>9 complete the LVNR hand grip off to the -- to the 01:13:01</p> <p>10 side and to the rear of his opponent's head. 01:13:05</p> <p>11 Q. Even if he's laying on his right side? 01:13:08</p> <p>12 A. Yes. If he's -- if he's lying on his 01:13:12</p> <p>13 right side and Mr. Farmer is on his left side or 01:13:17</p> <p>14 are you talking about both people lying on -- on 01:13:20</p> <p>15 their left side? 01:13:23</p> <p>16 Q. If they're both lying on their right 01:13:25</p> <p>17 side, but Officer Lopera had his encircling arm 01:13:27</p> <p>18 with his left arm? 01:13:32</p> <p>19 A. Yes. If he was -- lying on their right 01:13:33</p> <p>20 side. Well, you would have to have your arm out 01:13:36</p> <p>21 from underneath yourself, but. 01:13:39</p> <p>22 Q. Makes it more difficult. Right? 01:13:42</p> <p>23 A. It would be, yes. 01:13:44</p> <p>24 Q. Is it possible that when -- a 32 year 01:13:45</p> <p>25 career, I presume you've been in one or two 01:13:50</p> <p style="text-align: right;">Page 57</p>

<p>1 combative situations with a suspect? 01:13:56</p> <p>2 A. Yes. 01:13:59</p> <p>3 Q. Have you ever attempted to employ any 01:13:59</p> <p>4 type of ground combative technique and it did not 01:14:04</p> <p>5 go as planned? 01:14:08</p> <p>6 A. Yes. Many times. 01:14:09</p> <p>7 Q. Is the standard of objectively 01:14:10</p> <p>8 reasonable, does that require 100 percent 01:14:15</p> <p>9 perfection in the techniques that law enforcement 01:14:18</p> <p>10 officers use? 01:14:21</p> <p>11 A. Well, you know, the reasonable -- 01:14:21</p> <p>12 reasonable force refers to not only your 01:14:25</p> <p>13 technique, but your decision making, but I mean, 01:14:28</p> <p>14 I -- yes, you don't have to be right. You have 01:14:30</p> <p>15 to be reasonable is the gist of that. 01:14:32</p> <p>16 Q. Reasonable for Officer Lopera to not 01:14:36</p> <p>17 have perfectly executed the LVNR if the -- if the 01:14:41</p> <p>18 suspect is actively resisting and/or moving his 01:14:48</p> <p>19 head and connecting his head with Officer Lopera? 01:14:53</p> <p>20 A. Yes. It would be reasonable to say that 01:14:57</p> <p>21 that could happen, but the thing that -- to 01:14:59</p> <p>22 remember is is that, you know, many, many things 01:15:02</p> <p>23 can foil an attempted LVNR, but there are certain 01:15:05</p> <p>24 things that must be present for it to be an LVNR. 01:15:09</p> <p>25 I mean, all cars have four wheels, but you know, 01:15:12</p> <p style="text-align: right;">Page 58</p>	<p>1 testified already in terms of the similarities 01:16:26</p> <p>2 between the LVNR and what Officer Lopera did. 01:16:28</p> <p>3 Okay? 01:16:32</p> <p>4 A. Okay. 01:16:33</p> <p>5 Q. So he had his left arm encircling the 01:16:33</p> <p>6 neck. He had the elbow lined up with the chin. 01:16:37</p> <p>7 Correct? 01:16:40</p> <p>8 A. I don't know if he was lined up or not. 01:16:40</p> <p>9 I couldn't see that. 01:16:42</p> <p>10 Q. Okay. So you can't tell either way 01:16:45</p> <p>11 whether or not it was or was not? 01:16:48</p> <p>12 A. No. There wasn't -- wasn't a camera 01:16:50</p> <p>13 angle that showed that, so I don't know. 01:16:53</p> <p>14 Q. Okay. If -- if his elbow would not have 01:16:55</p> <p>15 been lined up with the chin as it should be with 01:16:59</p> <p>16 an LVNR, wouldn't there be some damage to the 01:17:02</p> <p>17 throat area because wouldn't he have slipped into 01:17:06</p> <p>18 an arm bar that you're concerned about? 01:17:10</p> <p>19 A. There could be some damage to the front 01:17:11</p> <p>20 structures of the throat, you know, and if that's 01:17:14</p> <p>21 a cause of death, absolutely, you would see that. 01:17:18</p> <p>22 Q. Are you aware of any damage to Tashii 01:17:21</p> <p>23 Farmer's throat structures in this case? 01:17:25</p> <p>24 A. I don't know if there was or not. It 01:17:26</p> <p>25 wasn't -- 01:17:30</p> <p style="text-align: right;">Page 60</p>
<p>1 they're not all Ferraris. So you have, you know, 01:15:14</p> <p>2 certain things that make an LVNR an LVNR. 01:15:18</p> <p>3 Bilateral compression of the sides of the neck, 01:15:22</p> <p>4 the neck brace principle, those things are -- are 01:15:24</p> <p>5 things that must be present for it to be an LVNR, 01:15:27</p> <p>6 and if they're not, it's something else. 01:15:30</p> <p>7 Q. I understand. Quick question on that. 01:15:31</p> <p>8 Is there a -- I can go to you or the National Law 01:15:36</p> <p>9 Enforcement Training Center to get the definitive 01:15:41</p> <p>10 definition of an LVNR. Correct? 01:15:43</p> <p>11 A. Yes. 01:15:45</p> <p>12 Q. Where do I go to find the same 01:15:46</p> <p>13 definitive definition of a rear naked choke? 01:15:48</p> <p>14 A. You know, I think there are a lot of 01:15:52</p> <p>15 sources. I couldn't tell you one specific 01:15:55</p> <p>16 source, and that's what's problematic about the 01:15:57</p> <p>17 rear naked choke. It's something that's -- it's 01:15:59</p> <p>18 not a definitive system that's out there, a 01:16:04</p> <p>19 comprehensive system that is, you know, 01:16:07</p> <p>20 universally known. There are variances in 01:16:11</p> <p>21 schools where it's taught, you know, different 01:16:14</p> <p>22 lines of thought from different trainers and 01:16:17</p> <p>23 things, so I don't -- I don't know where you get 01:16:20</p> <p>24 that. 01:16:22</p> <p>25 Q. So let's talk about what you've 01:16:24</p> <p style="text-align: right;">Page 59</p>	<p>1 Q. That's not part of anything you -- 01:17:30</p> <p>2 A. No. 01:17:32</p> <p>3 Q. -- reviewed or are giving an opinion on? 01:17:32</p> <p>4 A. No, it's not. 01:17:36</p> <p>5 Q. Okay. Are the -- do you know if the 01:17:37</p> <p>6 physiological effects of an LVNR are the same as 01:17:43</p> <p>7 a rear naked choke, because -- let me rephrase 01:17:48</p> <p>8 that. You earlier testified that both were blunt 01:17:52</p> <p>9 chokes when Mr. Sayre asked you that. 01:17:56</p> <p>10 A. Uh-huh. Yeah, they would be the same. 01:17:57</p> <p>11 Essentially it would be the same. 01:18:01</p> <p>12 Q. So in this -- in the technique that 01:18:02</p> <p>13 Officer Lopera employed where he did not have his 01:18:10</p> <p>14 hands connected in the LVNR technique, would he 01:18:14</p> <p>15 have been able to observe more or less pressure 01:18:18</p> <p>16 with just his left arm encircling, because 01:18:21</p> <p>17 essentially he's doing a biceps curl at that 01:18:25</p> <p>18 point to gain compression. Correct? 01:18:28</p> <p>19 A. I don't know. I mean, it would depend 01:18:29</p> <p>20 on how strong he is, and I don't know. I mean -- 01:18:31</p> <p>21 Q. Well, let me ask you this. Can you -- 01:18:35</p> <p>22 can you gain more compression like this or like 01:18:37</p> <p>23 this (indicating)? 01:18:40</p> <p>24 A. Well, you can gain more compression if 01:18:41</p> <p>25 you, you know, are applying some sort of pressure 01:18:43</p> <p style="text-align: right;">Page 61</p>

<p>1 to the back of the head, whether it's your hand 01:18:46</p> <p>2 or your head, and you're pulling hard to the rear 01:18:48</p> <p>3 and then compressing the sides of the neck. It's 01:18:51</p> <p>4 kind of a -- you know, those three things 01:18:54</p> <p>5 combined to give you the most pressure that you 01:18:56</p> <p>6 can get. We -- you know, with just the single 01:18:59</p> <p>7 arm encirclement and then whatever you can get 01:19:03</p> <p>8 from a biceps curl, as you described it, you 01:19:05</p> <p>9 know, just applying -- forcing that forearm 01:19:08</p> <p>10 toward the stationary biceps, you're going to get 01:19:12</p> <p>11 what you're going to get, depending on what your 01:19:15</p> <p>12 strength level is, you know. 01:19:17</p> <p>13 Q. And I'm asking you, do you think that's 01:19:18</p> <p>14 -- that technique can afford an officer more 01:19:23</p> <p>15 pressure or less pressure on the neck than with 01:19:27</p> <p>16 the LVNR? 01:19:31</p> <p>17 A. I think it would be less pressure. If 01:19:33</p> <p>18 you just had a one arm encirclement and you're 01:19:35</p> <p>19 just relying on moving your forearm towards your 01:19:38</p> <p>20 biceps, you're going to get less pressure than if 01:19:41</p> <p>21 you were to apply pressure to the back of the 01:19:44</p> <p>22 head as in a rear naked choke or if you were to 01:19:45</p> <p>23 clasp your hands like an LVNR and push forward 01:19:50</p> <p>24 with your head. 01:19:52</p> <p>25 Q. Okay. Relative to your opinion six, and 01:19:53</p> <p style="text-align: right;">Page 62</p>	<p>1 would not apply pressure to the sides of the 01:21:14</p> <p>2 neck, but you would maintain your encirclement 01:21:16</p> <p>3 until you could gain control and get handcuffs 01:21:19</p> <p>4 applied to the subject. 01:21:23</p> <p>5 Q. And you testified earlier that you had 01:21:24</p> <p>6 seen the timeline in either the arrest report or 01:21:27</p> <p>7 in the FIT report with respect to the words that 01:21:30</p> <p>8 were said at what point on the body cam? 01:21:34</p> <p>9 A. Yes. 01:21:37</p> <p>10 Q. And Mr. Sayre asked you if you recall a 01:21:38</p> <p>11 section where -- and he referenced some point 44 01:21:42</p> <p>12 or 46 seconds later that the hold was released. 01:21:45</p> <p>13 Do you remember that? 01:21:48</p> <p>14 A. Yes. 01:21:49</p> <p>15 Q. Do you have an opinion as to whether the 01:21:50</p> <p>16 hold being released was Ken Lopera removing his 01:21:56</p> <p>17 arm from Tashii Farmer or whether that meant he 01:22:00</p> <p>18 was releasing pressure around his neck? 01:22:04</p> <p>19 A. Well, like I said, you have no idea -- 01:22:07</p> <p>20 you have no way to tell whether or not he was 01:22:11</p> <p>21 compressing the sides of the neck while he was -- 01:22:13</p> <p>22 while he was sill encircling. There's no way to 01:22:16</p> <p>23 know that. Certainly when he releases, you know, 01:22:21</p> <p>24 takes his arm from Mr. Farmer's neck there's no 01:22:24</p> <p>25 more contact, so there's absolutely no pressure, 01:22:28</p> <p style="text-align: right;">Page 64</p>
<p>1 I don't need you to look at it for just a minute, 01:19:59</p> <p>2 can -- you don't have -- well, do you have any 01:20:02</p> <p>3 evidence that the Officer Lopera did not release 01:20:07</p> <p>4 the pressure on the neck when he was directed to 01:20:15</p> <p>5 by Sergeant Crumrine? 01:20:17</p> <p>6 A. No. 01:20:19</p> <p>7 Q. Can anyone look at the video and tell 01:20:21</p> <p>8 that? 01:20:23</p> <p>9 A. No. 01:20:23</p> <p>10 Q. Does the fact that Officer Lopera kept 01:20:26</p> <p>11 his encircling arm around Mr. Farmer's neck while 01:20:30</p> <p>12 they were controlling him and handcuffing him, 01:20:34</p> <p>13 does that indicate to you that there was pressure 01:20:38</p> <p>14 or no pressure? 01:20:40</p> <p>15 A. It doesn't indicate that there was 01:20:41</p> <p>16 pressure or no pressure. You know, you can't 01:20:43</p> <p>17 tell. 01:20:46</p> <p>18 Q. Isn't it true that Metro's policies and 01:20:46</p> <p>19 procedures dictate that an officer in Ken 01:20:51</p> <p>20 Lopera's position maintain the encircling arm 01:20:58</p> <p>21 until his partners can control the suspect and 01:21:01</p> <p>22 get him into handcuffs? 01:21:04</p> <p>23 A. Yes. In LVNR training they would have 01:21:05</p> <p>24 been trained that level one minus would be the 01:21:08</p> <p>25 fall back after a subject stops resisting. You 01:21:11</p> <p style="text-align: right;">Page 63</p>	<p>1 but as far as how he was regulating that pressure 01:22:30</p> <p>2 or if he had ceased all pressure at that point, I 01:22:34</p> <p>3 don't know. 01:22:38</p> <p>4 Q. You testified -- you stated earlier, I 01:22:38</p> <p>5 think, that you've never testified in court 01:22:47</p> <p>6 relative to use of force? 01:22:50</p> <p>7 A. Right. I have not. 01:22:52</p> <p>8 Q. And this is your first -- did you mean 01:22:54</p> <p>9 that in a -- like a civil case, or have you never 01:22:57</p> <p>10 testified even in a criminal case in your 01:23:01</p> <p>11 professional capacity? 01:23:03</p> <p>12 A. Oh, I've testified in a lot of criminal 01:23:04</p> <p>13 cases, and I've testified in cases where I've 01:23:06</p> <p>14 used force and other officers have used force, 01:23:08</p> <p>15 but I've never testified in a -- in a civil 01:23:12</p> <p>16 capacity or as an expert witness before. 01:23:17</p> <p>17 Q. Understood. It would have been shocking 01:23:19</p> <p>18 to me if you hadn't testified in your 01:23:24</p> <p>19 professional capacity. I understand now. 01:23:26</p> <p>20 A. Sure. 01:23:27</p> <p>21 Q. Have you ever investigated use of force 01:23:28</p> <p>22 within your own department or within another 01:23:33</p> <p>23 department? 01:23:36</p> <p>24 A. Yes. That's one of the things I'm 01:23:36</p> <p>25 tasked with here at the Clinton Police 01:23:38</p> <p style="text-align: right;">Page 65</p>

<p>1 Department, I investigate all use of force 01:23:39</p> <p>2 complaints. 01:23:42</p> <p>3 Q. And have you ever investigated a use of 01:23:45</p> <p>4 force complaint with respect to a lateral 01:23:50</p> <p>5 vascular neck restraint? 01:23:53</p> <p>6 A. No. 01:23:54</p> <p>7 Q. Have you ever investigated a use of 01:23:56</p> <p>8 force complaint with respect to any choke hold or 01:23:58</p> <p>9 neck restraint? Kind of, you know, broad 01:24:01</p> <p>10 ambiguous language there. 01:24:05</p> <p>11 A. No. Not on -- I have not. 01:24:06</p> <p>12 Q. So in 32 years, no police officer in 01:24:08</p> <p>13 Clinton, Missouri has ever had a complaint 01:24:13</p> <p>14 related to a neck restraint? 01:24:17</p> <p>15 A. No, and we just started using LVNR here 01:24:19</p> <p>16 in Clinton about ten years ago, and we're a small 01:24:22</p> <p>17 town and we don't have a lot of occurrences. The 01:24:27</p> <p>18 ones we've had, no one's complained about it. 01:24:30</p> <p>19 Q. It's my understanding that -- let me ask 01:24:33</p> <p>20 what you're not giving an opinion about. You're 01:24:36</p> <p>21 not giving an opinion about whether Tashii Farmer 01:24:38</p> <p>22 should have been stopped, should not have been 01:24:43</p> <p>23 stopped, things like that? 01:24:45</p> <p>24 A. Right. I'm not. 01:24:47</p> <p>25 Q. Okay. You're not giving an opinion and 01:24:48</p> <p style="text-align: right;">Page 66</p>	<p>1 recommendations and send you out the door, and 01:26:10</p> <p>2 then at your agency that's your responsibility to 01:26:11</p> <p>3 take care of that. And if you don't, then, you 01:26:16</p> <p>4 know, we stand by -- we can just tell you that, 01:26:21</p> <p>5 you know, that's what we recommend. That's been 01:26:24</p> <p>6 our experience that -- our best practices, if you 01:26:27</p> <p>7 will, for training and maintenance. 01:26:30</p> <p>8 Q. Do you consider it your best practices 01:26:33</p> <p>9 to require four hours of refresher training every 01:26:37</p> <p>10 year? 01:26:39</p> <p>11 A. It is. 01:26:39</p> <p>12 Q. And isn't it true that LVMPD does not 01:26:40</p> <p>13 conduct four hours of training every year? Isn't 01:26:45</p> <p>14 it the testimony in this case? 01:26:48</p> <p>15 A. That's what I read, is that they conduct 01:26:49</p> <p>16 two hours. 01:26:51</p> <p>17 Q. And so that's against the best practices 01:26:51</p> <p>18 of your organization. Right? 01:26:56</p> <p>19 A. We recommend four hour recertify every 01:26:58</p> <p>20 year. We do realize that, you know, some 01:27:02</p> <p>21 agencies don't have that kind of time and -- to 01:27:05</p> <p>22 dedicate to those kind of things, and it's just 01:27:07</p> <p>23 been -- you know, it's not anything that we 01:27:11</p> <p>24 prohibit. It's just that we have these 01:27:13</p> <p>25 recommendations, and we -- we recommend four 01:27:15</p> <p style="text-align: right;">Page 68</p>
<p>1 will not give an opinion related to any crimes or 01:24:52</p> <p>2 alleged crimes that Tashii Farmer had committed 01:24:55</p> <p>3 or was perceived to commit? 01:24:59</p> <p>4 A. No. 01:25:01</p> <p>5 Q. Is that because you weren't asked to 01:25:05</p> <p>6 provide those opinions, or was there something 01:25:07</p> <p>7 that you didn't feel comfortable about providing 01:25:09</p> <p>8 those opinions? 01:25:12</p> <p>9 A. No, I just wasn't asked to do that. 01:25:12</p> <p>10 That wasn't part of my job. 01:25:14</p> <p>11 Q. Okay. How often does your organization, 01:25:15</p> <p>12 the National Law Enforcement Training Center, 01:25:25</p> <p>13 require officers to train in the utilization of 01:25:29</p> <p>14 the LVNR in order to be authorized to use the 01:25:35</p> <p>15 LVNR? 01:25:38</p> <p>16 A. We recommend that officers train every 01:25:39</p> <p>17 year. 01:25:41</p> <p>18 Q. If officers don't train every year, 01:25:42</p> <p>19 would your organization, would it pull the 01:25:46</p> <p>20 authorization and say you're no longer authorized 01:25:52</p> <p>21 to use LVNR in our name? 01:25:56</p> <p>22 A. We don't monitor, obviously, I mean, on 01:25:58</p> <p>23 national -- on a national basis who's doing that 01:26:02</p> <p>24 or not doing it. We certify you as a trainer. 01:26:05</p> <p>25 We give you our texts, our guidelines and our 01:26:08</p> <p style="text-align: right;">Page 67</p>	<p>1 hours. 01:27:18</p> <p>2 Q. So I mean, a 50 percent production in 01:27:18</p> <p>3 training time, that seems significant to me. Is 01:27:25</p> <p>4 that not significant to LVMPD? 01:27:27</p> <p>5 A. Well, you know, it is, but it would 01:27:30</p> <p>6 depend on how the training was conducted. I can 01:27:34</p> <p>7 tell you being an academy trainer since 1999, you 01:27:36</p> <p>8 know, when I do in service stuff, depends on how 01:27:40</p> <p>9 the training's structured and how it's -- how 01:27:43</p> <p>10 it's conducted, and you know, the big thing for 01:27:46</p> <p>11 me is that they have a remedial program. So if 01:27:50</p> <p>12 the two hours would not be adequate for the Las 01:27:53</p> <p>13 Vegas PD or any other agency that has -- that is 01:27:57</p> <p>14 doing less than four hours, there's an apparatus 01:28:00</p> <p>15 to deal with that. So if the officer leaves 01:28:04</p> <p>16 there, concludes the training and they're not 01:28:08</p> <p>17 operating at an adequate level, then that's 01:28:10</p> <p>18 addressed in policy, and the officer has to go to 01:28:15</p> <p>19 remedial training until they are doing -- trained 01:28:19</p> <p>20 to standard. 01:28:21</p> <p>21 Q. How does an agency become approved to 01:28:22</p> <p>22 say they use the LVNR? 01:28:30</p> <p>23 A. Well, you need to have a certified 01:28:32</p> <p>24 trainer at your agency. We generally don't do 01:28:34</p> <p>25 end user training. We are nonprofit, and our 01:28:38</p> <p style="text-align: right;">Page 69</p>



<p>1 goal is to create trainers to -- to be imbedded 01:28:42</p> <p>2 in police departments. We believe that an agency 01:28:47</p> <p>3 that has its own trainers on staff is a better 01:28:50</p> <p>4 trained agency and has more opportunities to 01:28:54</p> <p>5 train. So we, in general, don't provide end user 01:28:57</p> <p>6 training. We do instructor training. 01:29:00</p> <p>7 Q. I'm sorry, but when you say end user, 01:29:02</p> <p>8 you mean the actual patrol officers? 01:29:04</p> <p>9 A. Yes. The actual patrol officers. 01:29:06</p> <p>10 Q. You're train -- you're a trainer 01:29:09</p> <p>11 organization? 01:29:11</p> <p>12 A. We are, and so you would send an 01:29:12</p> <p>13 officer, if you were a -- you know, running a 01:29:14</p> <p>14 training academy or you're a police 01:29:17</p> <p>15 administrator, you would send an officer to us to 01:29:19</p> <p>16 become a certified trainer. We meet annually in 01:29:22</p> <p>17 Kansas City in July, and we have a six day 01:29:25</p> <p>18 seminar there, or you could host a seminar and we 01:29:28</p> <p>19 would come there and -- and conduct a seminar. 01:29:32</p> <p>20 And your officers at your agency could attend, 01:29:35</p> <p>21 and you know, it could be a regional training and 01:29:38</p> <p>22 they would become certified as a trainer. The 01:29:42</p> <p>23 certification is for three years, and at the end 01:29:45</p> <p>24 of the three year period or before, you know, we 01:29:49</p> <p>25 would, you know, expect you to recertify if 01:29:53</p> <p style="text-align: right;">Page 70</p>	<p>1 trainer comes from Metro and becomes an 01:31:07</p> <p>2 authorized trainer, why can he not train someone 01:31:11</p> <p>3 from Henderson or North Las Vegas Police 01:31:15</p> <p>4 Department? 01:31:17</p> <p>5 A. I don't know. That's just Mr. Lindell, 01:31:18</p> <p>6 who owned NLETC, those have been his standards 01:31:21</p> <p>7 for a long time. I don't know. 01:31:25</p> <p>8 Q. So I mean -- 01:31:26</p> <p>9 A. Theoretically they could, and you know, 01:31:29</p> <p>10 I know that chiefs direct their trainers to train 01:31:31</p> <p>11 other people, and they have people come to their 01:31:34</p> <p>12 agency to train and certify people, so you know, 01:31:36</p> <p>13 I don't know why they couldn't do that. 01:31:41</p> <p>14 Q. Are you compensated as the president of 01:31:44</p> <p>15 NLETC? 01:31:48</p> <p>16 A. No, not until I teach a class. So if I 01:31:48</p> <p>17 go -- 01:31:51</p> <p>18 Q. Is Mr. -- 01:31:52</p> <p>19 A. I'll be in Seattle. Like next month I 01:31:54</p> <p>20 go to Seattle and I'll teach an LVNR class there, 01:31:57</p> <p>21 and I get paid for that. 01:32:02</p> <p>22 Q. Okay. And does Mr. Lindell get paid by 01:32:04</p> <p>23 NLETC? 01:32:11</p> <p>24 A. He's retired and he gets a portion of -- 01:32:11</p> <p>25 a percentage of the money that NLETC makes. I 01:32:13</p> <p style="text-align: right;">Page 72</p>
<p>1 you're going to continue using the system. 01:29:55</p> <p>2 Q. How much does it cost for me to send a 01:29:57</p> <p>3 trainer to NLETC to become authorized to train 01:30:00</p> <p>4 the LVNR? 01:30:06</p> <p>5 A. Five hundred twenty-five dollars. 01:30:06</p> <p>6 Q. And how long is that training for? 01:30:07</p> <p>7 A. Sixteen hours. 01:30:10</p> <p>8 Q. So I send -- I send a trainer for 16 01:30:11</p> <p>9 hours, two eight hours days? 01:30:17</p> <p>10 A. Uh-huh. Yes. 01:30:18</p> <p>11 Q. And then that trainer can train as many 01:30:19</p> <p>12 end users, as you say, as he wants? 01:30:27</p> <p>13 A. Yes. At their own agency. 01:30:29</p> <p>14 Q. Right. Can that trainer go out and 01:30:30</p> <p>15 train other agencies? 01:30:35</p> <p>16 A. No. They would need to become an 01:30:36</p> <p>17 advanced trainer. So they would need to take the 01:30:41</p> <p>18 course, I believe, a total of five times, you 01:30:42</p> <p>19 know, and have that training experience. Be able 01:30:45</p> <p>20 to show that they've -- they've taught other 01:30:48</p> <p>21 officers at their -- their agency before they 01:30:50</p> <p>22 could go out and then train other agencies. 01:30:55</p> <p>23 Q. What is the difference between a trainer 01:30:57</p> <p>24 training someone at his own agency versus 01:31:01</p> <p>25 training -- we're here in Las Vegas. So if the 01:31:04</p> <p style="text-align: right;">Page 71</p>	<p>1 think it's 15 percent, something like that, of 01:32:17</p> <p>2 what he gets from all of our proceeds. 01:32:19</p> <p>3 Q. How is it that NLETC is not for profit 01:32:22</p> <p>4 then? 01:32:29</p> <p>5 A. We just have a volunteer board, and I'm 01:32:30</p> <p>6 not -- I don't know. It's a -- 01:32:32</p> <p>7 Q. Good question, though? 01:32:36</p> <p>8 A. Yeah. It just -- it happened about ten 01:32:38</p> <p>9 years ago, something like that, when Mr. Lindell 01:32:41</p> <p>10 retired. I think the main reason it's a 01:32:43</p> <p>11 nonprofit is because he wanted the business to 01:32:45</p> <p>12 continue to operate after he died. He's 87 years 01:32:48</p> <p>13 old now, and he just wanted it to continue on. 01:32:52</p> <p>14 Q. Do you know whether Metro when they 01:32:56</p> <p>15 trained their officers or their end users in the 01:33:02</p> <p>16 LVNR, do you know if they trained it from a 01:33:04</p> <p>17 ground position or if the training is solely 01:33:06</p> <p>18 standing? 01:33:09</p> <p>19 A. The lateral vascular neck restraint 01:33:10</p> <p>20 would be trained standing, kneeling and lying on 01:33:15</p> <p>21 the ground. 01:33:17</p> <p>22 Q. Well, that's what -- that's what NLETC 01:33:18</p> <p>23 says should happen. Right? 01:33:22</p> <p>24 A. Yes, but as far as what they do in their 01:33:23</p> <p>25 classroom, I don't know. I haven't -- I do not 01:33:25</p> <p style="text-align: right;">Page 73</p>

<p>1 know. 01:33:25</p> <p>2 Q. Fair enough. Is it true that there's 01:33:29</p> <p>3 never been any litigation related to the lateral 01:33:46</p> <p>4 vascular neck restraint? 01:33:50</p> <p>5 A. There's not been any successful 01:33:51</p> <p>6 litigation against the lateral vascular neck 01:33:54</p> <p>7 restraint, as I understand it. 01:33:58</p> <p>8 Q. Is it true that there's never been a 01:34:01</p> <p>9 death or injury related to the use of a lateral 01:34:03</p> <p>10 vascular neck restraint? 01:34:06</p> <p>11 A. Well, when you say lateral vascular neck 01:34:08</p> <p>12 restraint, it's a registered trademark. We -- 01:34:12</p> <p>13 you know, and it's not the technique so much as 01:34:16</p> <p>14 methodology and our training. So it is, you 01:34:19</p> <p>15 know, an exclusive thing. The term, the term is 01:34:23</p> <p>16 thrown about anymore, kind of like everybody 01:34:26</p> <p>17 calls a tissue a Kleenex, but it's true that we 01:34:29</p> <p>18 haven't had any deaths from anyone certified by 01:34:33</p> <p>19 the National Law Enforcement Training Center in 01:34:36</p> <p>20 the lateral vascular neck restraint system. 01:34:38</p> <p>21 That's true. We haven't had any deaths directly 01:34:41</p> <p>22 attributed to that. 01:34:45</p> <p>23 Q. Except for this one. Right? 01:34:47</p> <p>24 A. Well, I don't believe Officer Lopera did 01:34:49</p> <p>25 an LVNR, so I wouldn't count this. 01:34:54</p> <p style="text-align: right;">Page 74</p>	<p>1 sentence from the bottom, and I'll start to read. 01:36:10</p> <p>2 Let me know if you can't find it. It says, "In 01:36:14</p> <p>3 this position all compression of the sides to the 01:36:16</p> <p>4 neck is immediately relaxed. However" -- you see 01:36:20</p> <p>5 where I'm reading? 01:36:24</p> <p>6 A. So it's -- you said it's opinion 4? 01:36:25</p> <p>7 Q. Page 7 of your report. 01:36:31</p> <p>8 A. Yeah, I don't think mine are matched up 01:36:33</p> <p>9 with yours. Do you know which opinion it's 01:36:35</p> <p>10 under? 01:36:37</p> <p>11 Q. So it's -- yes. It's under opinion 4. 01:36:37</p> <p>12 A. Okay. 01:36:44</p> <p>13 Q. On my -- starts on the bottom of Page 5. 01:36:44</p> <p>14 A. Okay. Okay. I found it. Go ahead. 01:36:47</p> <p>15 Q. So it says, "In this position, all 01:36:55</p> <p>16 compression to the sides of the neck is 01:36:58</p> <p>17 immediately relaxed. However, encirclement of 01:36:59</p> <p>18 the neck is -- excuse me, encirclement of the 01:37:02</p> <p>19 neck is maintained while the subject is placed in 01:37:05</p> <p>20 handcuffs." Do you see where I'm reading? 01:37:08</p> <p>21 A. Yeah, I do. I see it. Yep. 01:37:10</p> <p>22 Q. Okay. So that's what we were talking 01:37:25</p> <p>23 about earlier. So it is both the principle 01:37:28</p> <p>24 taught by NLETC and Metro to keep the encircling 01:37:34</p> <p>25 arm in place until the suspect is in handcuffs. 01:37:37</p> <p style="text-align: right;">Page 76</p>
<p>1 Q. And as the president of NLETC, isn't it 01:34:57</p> <p>2 in your own interest to say that this wasn't an 01:35:00</p> <p>3 LVNR? 01:35:05</p> <p>4 A. No. It wouldn't affect, you know, me or 01:35:05</p> <p>5 anything one way or another. I don't -- like I 01:35:08</p> <p>6 said, we're an all volunteer board, and I don't 01:35:11</p> <p>7 get paid to do any of the things -- 01:35:16</p> <p>8 Q. But you get paid when you -- when you 01:35:18</p> <p>9 teach classes. 01:35:20</p> <p>10 A. Right, but I teach a lot of different 01:35:20</p> <p>11 subjects, so I wouldn't -- 01:35:22</p> <p>12 Q. And you're the president of NLETC. 01:35:24</p> <p>13 Right? 01:35:28</p> <p>14 A. Yep, I am. 01:35:28</p> <p>15 Q. And it would be -- it would undercut 01:35:29</p> <p>16 your curriculum vitae, your resume, if your 01:35:33</p> <p>17 organization you were with, you know, their 01:35:37</p> <p>18 marketing campaign was refuted. Right? 01:35:39</p> <p>19 A. No, I don't think so. I mean, I think 01:35:42</p> <p>20 it would still be a valid system. If someone 01:35:46</p> <p>21 died because of it, it would still be the lateral 01:35:50</p> <p>22 vascular neck restraint system. 01:35:53</p> <p>23 Q. Let's look on Page 7 of your report. 01:35:55</p> <p>24 A. Okay. 01:35:58</p> <p>25 Q. It's the last paragraph, about the third 01:36:03</p> <p style="text-align: right;">Page 75</p>	<p>1 Correct? 01:37:40</p> <p>2 A. Yes. Especially if you have another 01:37:40</p> <p>3 officer -- if you have other officers present 01:37:47</p> <p>4 that can do handcuffing for you, absolutely. We 01:37:49</p> <p>5 -- we do teach officers that it doesn't stay in 01:37:52</p> <p>6 place, of course, if you're by yourself. If 01:37:55</p> <p>7 you're a lone officer out here and you have to 01:37:57</p> <p>8 place someone in handcuffs after you've done an 01:37:59</p> <p>9 LVNR, then we have techniques to transition to a 01:38:03</p> <p>10 handcuffing position for that. 01:38:07</p> <p>11 Q. Okay. But since Officer Lopera did have 01:38:08</p> <p>12 other officers there, it was proper for him to 01:38:11</p> <p>13 keep the encircling arm around the neck -- 01:38:13</p> <p>14 A. Yes. 01:38:16</p> <p>15 Q. -- until the suspect was in handcuffs? 01:38:16</p> <p>16 A. Absolutely is. 01:38:18</p> <p>17 Q. I have no further -- oh, I do have one 01:38:19</p> <p>18 follow-up. Sorry. Do you know Charles Huth? 01:38:22</p> <p>19 A. Yes. 01:38:29</p> <p>20 Q. H-u-t-h. How do you know him? 01:38:29</p> <p>21 A. He's been a friend and fellow trainer of 01:38:33</p> <p>22 mine for 25 years, something like that. 01:38:40</p> <p>23 Q. Is he the major at Kansas City Police 01:38:45</p> <p>24 Department that you got the fee schedule from? 01:38:47</p> <p>25 A. Yes. 01:38:49</p> <p style="text-align: right;">Page 77</p>



<p>1 Q. And he offered an article called "Why 01:38:50  2 the LVNR isn't a choke hold" in March 19th of 01:38:54  3 2013. Right? 01:38:59  4 A. Yeah, I remember that. 01:38:59  5 Q. And this was referenced in your expert 01:39:01  6 report as one of the pieces of reference 01:39:03  7 materials. Right? 01:39:06  8 A. Yes. 01:39:07  9 Q. And he is also the vice-president or 01:39:07  10 former vice-president of NLETC. Right? 01:39:12  11 A. Yeah. He was the president for several 01:39:15  12 years. 01:39:17  13 Q. Oh, okay. So he was the president 01:39:17  14 before you? 01:39:20  15 A. Yeah. 01:39:20  16 Q. And have you talked to him about this 01:39:23  17 matter that you're testifying on? 01:39:26  18 A. I talked about him -- I talked about it 01:39:28  19 with him only from the standpoint of me doing an 01:39:30  20 expert witness report in a job. I didn't -- I 01:39:33  21 didn't discuss any of the details of the case 01:39:37  22 with him, because I didn't really know that much 01:39:40  23 about it in the beginning, but I just called him 01:39:42  24 as a friend to ask his advice about how to go 01:39:47  25 about doing this type of work. 01:39:51</p> <p style="text-align: right;">Page 78</p>	<p>1 A. No. 01:41:02  2 Q. Okay. She found a series of hemorrhages 01:41:04  3 around the neck of Tashii Farmer. 01:41:09  4 A. Okay. 01:41:12  5 Q. And it caused her, among other things, 01:41:12  6 to conclude that the cause of death was the 01:41:18  7 restraint that was used. You have no opinion 01:41:20  8 about that? 01:41:26  9 A. From my limited knowledge of medical 01:41:26  10 implications of LVNR and different neck 01:41:30  11 restraints, I -- you know, I would -- I would 01:41:34  12 expect to see damage to the front structures of 01:41:35  13 the throat, and you know, the larynx and the 01:41:38  14 trachea. I would expect to see damage and 01:41:44  15 hemorrhaging in, you know, in that area up front 01:41:46  16 if that was the cause of death. 01:41:50  17 MR. SAYRE: Okay. All right. I 01:41:53  18 have nothing further. 01:41:56  19 MR. MCNUTT: No questions. Thank 01:42:00  20 you very much, Captain. Thank you for your time, 01:42:01  21 Captain Lynch. 01:42:03  22 THE VIDEOGRAPHER: If you guys 01:42:05  23 would hold on to the line for just a moment. It 01:42:06  24 is 3:55. This concludes today's testimony given 01:42:08  25 by Captain Lawrence G. Lynch. We're going off 01:42:12</p> <p style="text-align: right;">Page 80</p>
<p>1 Q. Unconsciousness can be achieved through 01:39:52  2 either the LVNR or the rear naked choke. Right? 01:39:59  3 A. Yes. 01:40:03  4 MR. MCNUTT: I have no further 01:40:04  5 questions. Fred. 01:40:05  6 EXAMINATION 01:40:05  7 BY MR. SAYRE: 01:40:05  8 Q. Captain, would you expect to see a 01:40:09  9 series of hemorrhages around the neck of a person 01:40:13  10 who had had an LVNR applied to them? 01:40:16  11 A. No. 01:40:20  12 Q. Do you know if you would expect to see a 01:40:22  13 series of hemorrhages around the neck of a person 01:40:24  14 who had had a rear naked choke applied? 01:40:27  15 A. You know, I think you could -- it would 01:40:31  16 all depend -- there's so many variables on that. 01:40:35  17 I don't know if you would see it on either one of 01:40:39  18 them, but I don't think you would see it -- are 01:40:42  19 you talking about bruising or -- 01:40:45  20 Q. Yeah, bruising, hemorrhages. 01:40:47  21 A. It could occur, I think, with either 01:40:49  22 technique. I'm sorry, I didn't understand what 01:40:51  23 you meant there. 01:40:54  24 Q. Okay. Have you seen the coroner's 01:40:56  25 report about the death of Tashii Farmer? 01:41:00</p> <p style="text-align: right;">Page 79</p>	<p>1 the record. The total number of media units used 01:42:15  2 was two and will be retained by Vertix Legal 01:42:18  3 Solutions. 01:42:22  4 MR. ANDERSON: I would like to 01:42:35  5 order a copy of the deposition. Craig Anderson. 01:42:36  6 Electronic. 01:42:49  7 MR. MCNUTT: Did you hear I want to 01:42:49  8 order a PDF copy of the transcript as well? 01:42:54  9 MR. SAYRE: Electronic copy. 01:42:54  10 (Deposition concluded at 3:55 p.m.)  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: right;">Page 81</p>

<p>1 I declare under penalty of perjury  2 under the laws that the foregoing is  3 true and correct.  4  5 Executed on _____, 20____,  6 at _____,  7  8  9  10  11 CAPTAIN LAWRENCE G. LYNCH, III  12  13  14 Subscribed and sworn to before me  15  16 this _____ day of _____, 20____.  17  18 County of _____  19  20 State of _____  21 Notary Public  22  23 My Commission Expires: _____  24  25</p> <p style="text-align: right;">Page 82</p>	
<p>1 C E R T I F I C A T E  2  3 I, Jane A. Blackerby, a Certified Court  4 Reporter of the State of Missouri, do hereby  5 certify:  6 That prior to being examined the witness  7 was by me duly sworn;  8 That said deposition was taken down by  9 me in shorthand at the time and place  10 hereinbefore stated and was thereafter reduced to  11 writing under my direction;  12 That I am not a relative or employee or  13 attorney or counsel of any of the parties, or a  14 relative or employee of such attorney or counsel,  15 or financially interested in the action.  16 WITNESS my hand and seal this 1st day  17 of November, 2018.  18  19  20  21  22  23  24  25 JANE A. BLACKERBY, CCR No. 877</p> <p style="text-align: right;">Page 83</p>	